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ANCIENT LAWS AND INSTITUTES OF IRELAND.

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ANCIENT LAWS

AND

INSTITUTES OF IRELAND.

On the 19th day of February, 1852, the Rev. James Henthorne Todd, D.D., F.T.C.D., and the Rev. Charles Graves, D.D., F.T.C.D., now Bishop of Limerick, submitted to the Irish Government a proposal for the transcription, translation, and publication of the Ancient Laws and Institutes of Ireland.

On the 11th day of November, 1852, a Commission was issued to the late Right Honorable Francis Blackburne, then Lord Chancellor of Ireland; the late Right Honorable William, Earl of Rosse; the Right Honorable Edwin Richard Wyndham, Earl of Dunraven and Mount-Earl; the Right Honorable James, Lord Talbot de Malahide; the Right Honorable David Richard Pigot, Lord Chief Baron of Her Majesty's Court of Exchequer; the Right Honorable Joseph Napier, then Her Majesty's Attorney-General for Ireland; the Rev. Thomas Romney Robinson, D.D.; the late Rev. James Henthorne Todd, D.D.; the Rev. Charles Graves, D.D.; the late George Petrie, LL.D.; and Major Thomas Aiskew Larcom, now Major-General, Baronet, and Knight Commander of the Bath—appointing them Commissioners to direct, superintend, and carry into effect the transcription and translation of the Ancient Laws of Ireland, and the preparation of the same for publication; and the Commissioners were authorized to select such documents and writings containing the said Ancient Laws, as they should deem it necessary to transcribe and translate; and from time to time to employ fit and proper persons to transcribe and translate the same.

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In pursuance of the authority thus intrusted to the Commissioners, they employed the late Dr. O'Donovan and the late Professor O'Curry in transcribing various Law-tracts in the Irish Language, in the Libraries of Trinity College, Dublin, of the Royal Irish Academy, of the British Museum, and in the Bodleian Library at Oxford.

The transcripts* made by Dr. O'Donovan extend to nine volumes, comprising 2,491 pages in all; and the transcripts* made by Professor O'Curry are contained in eight volumes, extending to 2,906 pages. Of these transcripts several copies have been taken by the anastatic process. After the transcription of such of the Law-tracts as the Commissioners deemed it necessary to publish, a preliminary translation of almost all the transcripts was made either by Dr. O'Donovan or Professor O'Curry, and some few portions were translated by them both. They did not, however, live to revise and complete their translations.

The preliminary translation executed by Dr. O'Donovan is contained in twelve volumes, and the preliminary translation executed by Professor O'Curry is contained in thirteen volumes.

The Commissioners employed W. Neilson Hancock, LL.D., formerly Professor of Jurisprudence in Queen's College, Belfast, and the Rev. Thaddeus O'Mahony, Professor of Irish in the University of Dublin, who had been engaged on the first volume, as Editors of this second volume of the Ancient Irish Laws.

The Palace, Limerick,
September, 1869.

* These transcripts are referred to throughout this volume by the page only, with the nitials O'D. and C. respectively.

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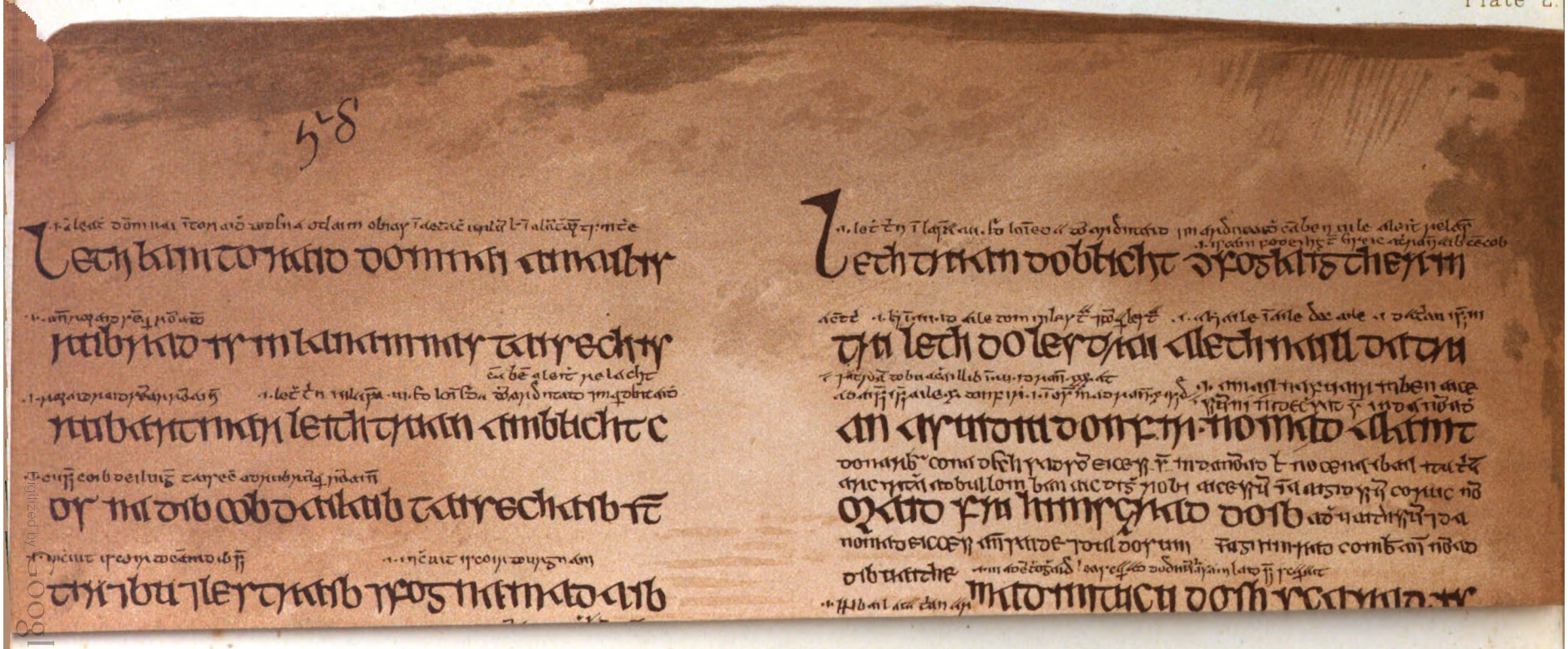

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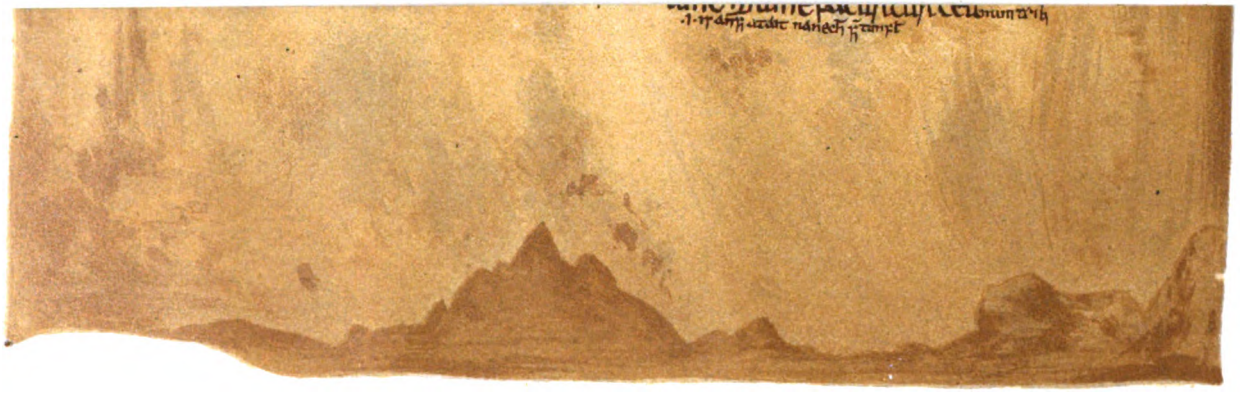

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ANCIENT LAWS OF IRELAND.

SENCHUS MOR.

PART II.

LAW OF DISTRESS (COMPLETED); LAWS OF HOSTAGE-SURETIES, FOSTERAGE, SAER-STOCK TENURE, DAER-STOCK TENURE, AND OF SOCIAL CONNEXIONS.

PUBLISHED UNDER THE DIRECTION OF THE COMMISSIONERS FOR PUBLISHING THE ANCIENT LAWS AND INSTITUTES OF IRELAND.

VOL. II.

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LONDON:
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1869.

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DUBLIN, 23*rd July*, 1869.

MY LORD,

Having received instructions from the Commissioners for publishing the Ancient Laws and Institutes of Ireland, to edit the continuation of the Senchus Mor, we have, in preparing the text and translation for the press, followed as nearly as possible the plan which was fully explained in the preface to the first volume, and have now the honour to submit to the Commissioners, the second volume of the Ancient Laws of Ireland.

We have prefixed *fac simile* specimen pages of the Harleian MS., in the British Museum, which was chiefly used for the first volume, and of the MSS. in the Library of Trinity College, Dublin, H. 2, 15, and H. 3, 17, which have been adopted as the basis of the text of this volume.

Mr. Thomas M. Busteed, who assisted us in editing the first volume, having joined the Indian bar, and been appointed to a judicial office in India, we employed, in his place, Mr. Henry C. Kirkpatrick, A.B., now called to the Irish bar, whose efficient services in aiding us to carry out the Commissioners' directions we have much pleasure in reporting.

We are, my Lord,

Your Lordship's obedient servants,

W. NEILSON HANCOCK.
THADDEUS O'MAHONY.

The Right Rev.
The Lord Bishop of LIMERICK,
Secretary to the Commission for Publishing the Ancient Laws and Institutes of Ireland.

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PREFACE.

Authors of the Senchus.

In the preface to the first volume of the Ancient Laws and Institutes of Ireland, some account was given of each of the nine authors of the Senchus Mor. With respect to five of them—King Laeghaire, King Daire, Rossa, Dubhthach, and Fergus—there is nothing material to add.

With regard to St. Cairnech, there is some new matter to be noticed—and as to St. Benignus, St. Patrick, and King Corc, since the publication of the first volume, objections have been urged* to the ordinarily received chronology of their lives. These objections, if established, would alter by two centuries the date of the composition of the Senchus Mor. They have been put forward, too, by a writer who evinces such admiration for St. Patrick, and such zeal in investigating the records of his life, as make his opinions on the subject deserving of careful consideration.

St. Cairnech.

The Senchus Mor is the only work which has as yet been discovered of those in which St. Cairnech is said to have taken part. The other writings referred to in his biography† have not been traced. From the circumstance of their being compared to the writings of St. Peter, we may conclude that they were religious works, such as St. Patrick would naturally have prepared for his mission—translations most probably of portions of the Scriptures and of the writings of the early Fathers of the Church. They may also, perhaps, have been in part translations of writings which had been found efficacious in the conversion of the Druids in Gaul and Britain, and which were adapted also to impress the Druids, Poets, and Brehons in Ireland. It is possible that they may have been written in the Greek letters which were used as a kind of cypher‡ among the

* Nicholson's St. Patrick, Apostle of Ireland in the third century.

† Preface to Senchus Mor, vol. i., p. xix.

‡ Cæsar de Bello Gallico, VI., c 13, 14.

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St. Cairnech.

Druids. The knowledge which St. Patrick had acquired during his captivity in Ireland, of the Poets, Brehons, and Druids, might have suggested to him that the writings which had facilitated the conversion of the learned classes amongst the Gauls and Britons, would also be well calculated to secure the conversion of the similar classes in Ireland.

The Druidical knowledge as described by Cæsar consisted chiefly of theories with respect to the movements of the planets, the magnitude of the universe, the laws of nature, and the omnipotence of the Pagan deities. The religious tenets of the Druids were transmitted in verses learned by heart by the disciples, but not committed to writing, lest the secrecy might be broken which they wished to preserve in order to maintain their position as the depositaries of all knowledge, authors and interpreters of all law divine and human, remunerators, judges, and executioners.*

In the poem of Dubhthach given in the Introduction to the Senchus Mor, we have a combination of law and religion set forth in elaborate verses, and in the commentary there is a curious disquisition upon the formation of the earth, the number and colour of the winds, the division of the firmament. The sun and moon are included in a list of the principal stars, and in the following singular order:— Saturn, Jupiter, Mercury, Mars, Sol, Luna, and Venus. There is also a disquisition respecting the distance of the sun and moon, the zones, climates, and the divisions of the zodiac. In fact there appears to have been at this time in Ireland a state of intellectual development precisely similar to that described by Cæsar as having existed in Gaul and Britain, before these countries came under the influence of Roman civilization. Even the religious organization adopted by the Irish Druids, Brehons, and Poets, seems to have been much the same as that which had prevailed formerly in those countries. The position of Dubhthach who exercised a general supervision and authority over the rest, was in most respects analogous to that of the Archdruid as described by Cæsar.

* Histoire des Gaulois, by Amédée Thierry, II. i., quoted in the Emperor Louis Napoleon's Julius Cæsar, vol. ii., p. 46.

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The speech and poem ascribed in the Senchus Mor to Dubhthach prove that he possessed some knowledge of the Scriptures and of Christian doctrine. He alludes apparently to the Divine condemnation of Eric in the Old Testament*, a point to which the accomplished authoress of the Popular History of Ireland has called attention.† St. Cairnech.

These circumstances afford strong confirmation of the statement that there were some writings by means of which the learned Druids and poets of Ireland were converted; and who is more likely than St. Cairnech to have been the author of such writings? His intimate acquaintance with the Druidical system in Britain, and with the facts relating to the conversions that had been effected there, would eminently fit him for such a task. These writings though so valuable then, would gradually fall out of use, and so be lost in after times when the conversion of the Brehons was complete, and schools and colleges had been founded, in which the youth were systematically instructed in the doctrines of the Church.

Previous to the publication of the Senchus Mor, a doubt‡ was thrown upon the authority of these works, by mentioning them as the "alleged works" of St. Cairnech. The Senchus Mor is itself an instance of an important work of a very early date, of which he was one of the principal authors, and there is no good ground for questioning the existence, in the fourth and fifth centuries, of other writings of his, although copies of them are not now forthcoming. We might as well discredit the account§ of the foundation of the Abyssinian Church in the fourth century by Frumentius, and the assertion that the first bishop of that church translated portions of the Scriptures into the Geez language, and out of them taught Arzanes the king's son,

* Numbers xxxv., 31.

† Popular History of Ireland, p. 146.

‡ Descriptive Catalogue of Materials relating to the History of Great Britain and Ireland, vol. i., p. 47, note.

§ Kurtz' History of the Christian Church, translated by Edersheim, § 94, vol. i., p. 247.

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St. Cairnech.

because Lord Napier did not bring back a copy of the works of Frumentius with him from Magdala.

The statement referred to in the preface to the first volume of the Senchus Mor, that the birthplace of St. Cairnech was most probably in Cornwall, seems to be confirmed by the fact that his name is still preserved in the topography of that part of England: a parish in the centre of the west coast of Cornwall being called Crantoch, a corruption of his British and Latin name, Carantocus, and the Parish Church being dedicated to his memory.*

In the history of the life of St. Cairnech he is described as having been engaged, before he came to Ireland, in the discharge of ecclesiastical duties in Wales, and this circumstance has considerable interest, inasmuch as it throws some light upon the much disputed question, as to where St. Patrick was born, and where he spent the early part of his life.

It is obvious from the statement in the life of St. Cairnech respecting the arrangements made with St. Patrick before they went to Ireland, that the intimate relations between these distinguished men, disclosed in the Senchus Mor, had commenced at an early period. In the Annals of the Four Masters† there is a passage which enumerates those who were most closely connected with St. Patrick. In this list we find "Benin," (St. Benignus), mentioned as his psalmist; "German," (St. Germanus), as his tutor; and according to the reading of Dr. O'Conor, adopted by Dr. O'Donovan, "Cairniuch," (St. Cairnech), as the priest who baptized him.

In connexion with the burial of St. Cairnech at Dulane, in Meath, it is interesting to notice Dr. Petrie's account of the Church at Dulane, as "being a fine specimen of our earliest Christian architecture," and Lord Dunraven's description of it as "grandly old."‡

St. Benignus.

With respect to the opinion advanced in the preface to the

* Redding's Illustrated Itinerary of Cornwall, 1842, p. 220.

† Annals of the Four Masters, First Div, vol. i., pp. 138–139.

‡ Stokes's Life of Petrie, p. 366.

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first volume of the Senchus Mor, that St. Benignus was more probably seventeen than seven years of age when he first left his father's house in order to accompany St. Patrick, a passage* in the Confession of the latter deserves to be noticed. In this passage St. Patrick speaks of himself at the time of his captivity, which took place when he was sixteen years of age, as "*adolescens pene puer imberbis*," an expression which shows that there is nothing in the use of the word "*puer*," applied to St. Benignus by mediæval writers, inconsistent with his being sixteen years of age at the time. If we adopt the ordinary chronology of St. Patrick's arrival in Ireland (432 A.D.), the supposition that Benignus was sixteen when he met St. Patrick would give 416 A.D. as the date of his birth. A doubt has, however, been raised† about the accuracy of this date, founded on a genealogy quoted by Dr. O'Donovan as given by the O'Clerighs,‡ which describes Sescnean, the father of St. Benignus, as the grandson of Tadhg, son of Cian (who fought at the battle of Crinna) by a son of his called Laei.§ St. Benignus.

Dr. O'Donovan, in giving the genealogy on the authority of the O'Clerighs, is careful to refer to a passage in the prose commentary in the "Leabhar na g-Ceart,"¶ in which St. Benignus is described as the son of Sescnean, and of the Ciannachta of the Gleann Gemhin, of the *race* of Tadhg son of Cian, &c.

This passage clearly implies a long lapse of time, since the descendants of Cian had become so numerous as to be called a tribe. If there was only one step between Sescnean and Tadhg we might naturally expect to find the name of Laei inserted instead of "the *race* of Tadhg."

This construction of the passage in "Leabhar na g-Ceart" is confirmed by the statement of O'Flaherty, that the in-

* Villanueva, p. 187, note l; Nicholson, p. 99.

† Nicholson's St. Patrick, &c., p. 52.

‡ Leabhar na g-Ceart, p. iii., note a.

§ Laei is not mentioned in the genealogy given by Michael O'Clery in the Martyrology of Donegal, p. 301.

¶ P. 50.

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St. Benignus. habitants of a Ciannachta in Meath and of the other Ciannachta in Gleann Gemhin were both descended from Finnchad Coemh, son of Fieg, son of Fennchad Huallach, son of Conla the leper, son of Tadhg.*

O'Flaherty, moreover, enumerates Tadhg's sons, and the name of Laei is not mentioned among them. It seems plain, therefore, that he was only one of the *race* of Tadhg, and so might have been a son or some other descendant of Finnchad Coemh.

This view would give at least seven generations between St. Benignus and Tadhg, and allowing thirty years for each generation, the date assigned to St. Benignus is not inconsistent with the fact that Tadhg was twenty years of age at the battle of Crinna, inasmuch as the date given for that battle in the Annals of the Four Masters is A.D. 226.

The difference between the words "son" and "race" in a genealogy compiled 1,000 years ago, would be a very slight ground upon which to discredit the commonly received chronology of the life of St. Benignus, but a full examination of the various accounts confirms the opinion that he lived in the fifth century and not in the third.

It has been objected† that if St. Benignus wrote in the fifth century he could not have designated the King of Uladh as King of the Ultonian Eamhain, inasmuch as the Ultonians had been expelled at the time of the burning of Eamhain by the three Collas in A.D. 331. This argument, however, loses all its force when we remember that the Kings of England retained the title of "King of France" until the French Revolution of 1789, although the last remnant of territory formerly possessed by England in France had been lost so long previously as 1558.

St. Patrick. With regard to St. Patrick, the controversies respecting his life have recently been made to furnish ground for attacking the chronology of the Senchus Mor. His part in the compilation of that work, though an important incident in his

* Ogygia, part iii., c. 68. † Nicholson's St. Patrick, &c., p. 56.

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life, is so entirely subordinate to his great work of converting the Irish nation to Christianity, that it is impossible fully to discuss many of the points which have been raised in connexion with his name, without entering upon ecclesiastical questions which would be completely out of place in this preface. St. Patrick.

Upon a few of the topics which are biographical and historical, and altogether apart from religious controversy, it is, however, essential to enter, that we may determine whether the objections that have been urged to the ordinarily received chronology of St. Patrick's life can be sustained. The outlines of the life of the great Apostle have been to a considerable extent lost in the mass of literary offerings which his admirers for fourteen centuries have accumulated in their desire to preserve to posterity the minutest details of the life of one to whom Ireland is so deeply indebted.

In his Confession, written when he was far advanced in years, and when, notwithstanding the extraordinary success of his mission, the Irish converts were exposed to much persecution and danger, and when he lived "daily in expectation of being murdered or entrapped, or reduced to slavery, without having given any occasion for it,"* St. Patrick tells us that a longing and not unnatural desire had arisen in his breast to revisit his native country and the friends of his early youth. He writes—"Whence also, though I should wish to leave them and to go into the Britains, though I should gladly and readily go as to my country and parents, and not only so but even as far as the Gauls; should visit my brethren that I might see the face of the saints of my Lord. The Lord knoweth that I greatly desired it, yet being bound by the Spirit (which witnesses against me if I should do so, and declares that I should be guilty), I fear to lose the labour which I have begun; yet not I, but Christ the Lord who commanded me to come and be with them for the remainder of my life, if the Lord will,

* Translated from Villanueva, p. 207.

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St. Patrick. and if he shall keep me from every evil way, that I may not sin against him."*

By means of this passage it is easy to account for the belief prevalent in Ireland, that St. Patrick remained with his converts in this country until his death, and that he was buried at Downpatrick, thus ending his Christian labours near "Sabhal," now Saul, where he had made his first convert, and founded his first church in Ireland.

The English tradition as given by William of Malmesbury is on the other hand one which is so natural that we can readily understand how it obtained credence, from our sympathy with the feelings attributed to St. Patrick moved by which, it is said, that when wearied by his long and severe labours in Ireland, and sensible of the rapid inroads of old age on his physical strength, he determined to return to his native land and spend the remainder of his days among the scenes of his early youth at Glastonbury.

William of Malmesbury while admitting a doubt as to whether he was actually buried there, describes St. Patrick as belonging to the British nation, and seems to acknowledge the grounds upon which the tradition arose, viz., the extreme probability that he would be anxious to end his days at Glastonbury, which was endeared to him by many early associations and memories, and which might not unnaturally be described as his "native land." That the St. Patrick of whom William of Malmesbury speaks is not any other person bearing that name, seems clear from his description of him as the disciple of St. Germanus, and as having been sent by Pope Celestine after his ordination, as a bishop and an Apostle to the Irish nation.

If St. Patrick was born in the vicinity of Glastonbury, and had there spent his early years, there is nothing whatever impossible or incredible in the assertion made in the Annals of the Four Masters already referred to, that he was baptized by St. Cairnech. St. Cairnech we know was a Cornishman, who became a Welsh ecclesiastic, and as Glastonbury in

* Villanueva, p. 203.

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Somersetshire was in the neighbourhood of Bristol, which was in the direct route from Cornwall to Wales, his presence there on the occasion of the baptism of St. Patrick is by no means improbable. That the theory of St. Patrick's connexion with this district does not rest on mere ungrounded conjecture is shown by the honour so long paid to the saint, in a church dedicated to the Blessed Virgin and St. Patrick, at Glastonbury. St. Patrick.

Glastonbury was fortunate in escaping the fate which overtook many of the seats of the early British Church. The Saxon conquerors by whom most of the churches and monasteries of England were overthrown, did not enter Somersetshire until they had themselves been converted to Christianity, and softened by its influence. Instead therefore of bringing destruction and ruin to the religious houses, they signalized their piety, and their appreciation of the virtues of the monks, by the foundation of a monastery which was amply endowed by the Christian King Hina.

Its vicinity to the sea exposed it to the ravages of the Danes, but it was restored by St. Dunstan, and in after times the abbots of Glastonbury, owing to their immense wealth obtained from the Saxon monarchs, possessed considerable political power—had seats in Parliament as barons, and till the year 1154, took precedence of all the mitred abbots in England. The high honour so long paid to the memory of St. Patrick, at a place which occupied such a prominent position in the English Church, is what we might naturally expect if the neighbourhood of Glastonbury had the prestige of being his birthplace.

In the Annals of the Four Masters, we are told that Nempthor was his native place. The meaning of this name is said by Colgan to be "Holy or Heavenly Tower."* Now, in one of the most recent accounts of Glastonbury it is mentioned that "on a hill a little to the north-east of Glastonbury there is a curious tower called the Tor of St. Michael, which from its elevation and peculiar shape serves as a land-

* Lanigan's Ecclesiastical History of Ireland, vol. i., p. 91

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St. Patrick. mark in navigating the Bristol Channel; on the west side of it is a figure of St. Michael the Archangel."*

To the statement in Fiech's Hymn that St. Patrick was born at Nempthor, the scholiast adds, that Nempthor is a town in Scotland of which the Irish name was Alcluit, and the Roman-British name was Caer Britton, now Dumbarton. Hence the theory supported by Usher and others that St. Patrick was a native of North Britain, having been born at Dumbarton, and that he was carried away captive from thence in his youth.

The justice of this inference founded on the statement of the scholiast and the other evidence adduced, is rendered extremely doubtful by information contained in the Irish version of Nennius.† Mr. Herbert in supplying an introduction and additional notes to that work, has discovered that the Latin copies mention two British cities named "Caer Britton,"‡ and he appears to be quite unable to determine which of these cities was Dunbarton, and which was Bristow (Bristol).

It would thus appear that there were in St. Patrick's time, two cities called Caer Britton. The name in both cases was gradually altered. In the one case it passed through the forms "Dunbreatan," "Dunbritton," "Dunbarton," in which some trace of its earliest form is discoverable. In the other case it appears as Brit-stow, Brightstowe, and Bristol, in which all traces of its derivation were soon lost. It was quite natural that the scholiast, finding that Nempthor (Alcluit) was identified as Caer Britton, and being unaware that Bristol had also borne that name, should at once conclude that the former was the place indicated as the birthplace of St. Patrick.

The words used by St. Patrick in his Confession appear to be conclusive as to which of these cities we should select. He speaks of going "in Britannias" (the plural number). Now, the names by which the Romans had distinguished the different

* M'Culloch's Geographical Dictionary, Ed. 1841, word "Glastonbury."

† Publications of Irish Archæological Society, Dublin, 1848.

‡ In the Irish copies one of them is called Caer Breatan, and the other Caer Brut.—*Additional Notes to Irish Version of Nennius*, pp. iii., iv.

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parts of Britain were obliterated by the Saxon conquest, which commenced in St. Patrick's lifetime, and were probably in a short time forgotten. St. Patrick, however, would naturally use these names for the different parts of the island. St. Patrick.

Great Britain was known to the Romans as Britannia, but that portion of it which was immediately subject to them they distinguished by the name of Britannia Romana, designating the rest of the country Britannia Barbara. Britannia Romana was at an early period divided into two provinces, one to the south of the Thames and Severn, and one to the west of the Severn and the Dee, which included Wales. These provinces were called respectively Britannia Prima and Britannia Secunda, a mode of distinguishing them similar to that which we have adopted in the appellations of Upper and Lower Canada.

In the course of time other provinces were added: Maxima Cæsariensis comprised the central parts of England; Flavia Cæsariensis lay to the north; and Valentia included that portion of the extreme north of England and the south of Scotland, which lay between the Roman roads or walls, one of which extended from Carlisle to Newcastle, and the other from the Frith of Clyde to the Frith of Forth.

From the division of the empire by the first Christian emperors down to the time of St. Patrick, Britannia Romana was divided into these five provinces. The gradual change which took place in the nomenclature of the Roman colony was similar to that recently effected, by which the name of Canada formerly applied only to the two provinces of Upper and Lower Canada, has come to have a wider signification by including the Dominion of Canada, which comprehends the additional provinces of Nova Scotia, and New Brunswick.

Now, if a man whose father and grandfather were Canadians, and who was proud of his connexion with these provinces as distinguished from the rest of the Dominion (*e.g.* Nova Scotia), desired to specify the place of his birth, the simplest manner in which he could indicate his native country would be to speak of it as "the Canadas." If he used the term "Canada" in the singular number he would

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St. Patrick. leave it doubtful whether he meant the old provinces or the Dominion.

When, therefore, St. Patrick expresses his wish to go "in Britannias," as to his native country, and to his parents, he must be understood to refer to the old Roman provinces, Britannia Prima and Britannia Secunda. In the very centre of the district thus indicated Caer Britton (Bristol), Glastonbury, and the Tor of St. Michael are situated, being actually in the former province, but separated from the latter only by the river Severn.

The second Caer Britton (Dumbarton), on the other hand, is in the province called Valentia, the latest addition to the Roman territories; and if St. Patrick was really a native of that province, he would naturally have spoken of it as Valentia, or, when speaking generally of his native land, would have made use of the comprehensive term Britannia (*i.e.*, Britannia Romana). A Nova Scotian would not be likely to speak of "the Canadas" as his native land, inasmuch as this term was applied only to Upper and Lower Canada before Nova Scotia was annexed. He would naturally either distinctly specify Nova Scotia, or use the more comprehensive name "Canada," which is properly applicable to the whole Dominion.

It is to be observed that the mistake of supposing Caer Britton (Bristol) to be Caer Britton (Dumbarton) was one which might readily be made from the remarkable similarity of the position of the two places. Both were great Roman military stations, at the head of important western estuaries; Bristol being in the same position with regard to the river Severn as Dumbarton is with regard to the Clyde. Both were situated close to the junction of two rivers*—Bristol, near where the Frome meets the Avon in the tidal part of the latter, and Dumbarton, near where the Clyde and Leven unite in the tidal part of the former. In one circumstance, however, Bristol was more favourably placed than Dumbarton, viz., in its close proximity to Caer Baden (Bath),

* Lanigan (Ecclesiastical History of Ireland, vol. i., p. 93) suggests that Bonaven means river-mouth.

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which was a flourishing Roman colony, much resorted to by wealthy Romans, by whom it was called "Aquæ Solis et Thermæ," and which was of sufficient importance to have civil officers of the rank of Decuriones, a position which had been held by St. Patrick's father. The Roman remains still found at Bath furnish evidence of its ancient greatness, and the Roman encampments still existing at Clifden, on the Avon, at Rownham, and at Abbotsleigh attest the estimation in which it was held as a military station. And so Bristol, Glastonbury, and the Tor of St. Michael or Nempthor, would be all situate in a district of encampments, which some have thought to be the meaning of the name Taberniæ or Tiburniæ, which occurs in the description of Bonavem or Bonaven Taberniæ, the place where St. Patrick's father resided at the time of his capture. This place is also said to be near the western sea, or the Atlantic ocean, a description which is much more applicable to the position of Bristol than to that of Dumbarton, and it is not unreasonable to assume that the place of St. Patrick's birth (Nempthor), and that of his father's subsequent residence, were not far distant from each other. St. Patrick.

The theory of St. Patrick's birth at or near Dumbarton is not the only one we have to consider. Dr. Lanigan suggests that he was born at Boulogne in France, and in support of his opinion refers to the language used by St. Patrick in his Confession, already noticed. He also quotes various authorities to show that there was a place called "Brittan" in that country quite distinct from Armoric Brittany, which received its name at a later period from the Britons, who were driven out of England by the Saxons, and settled there.

But the true interpretation of the language of the Confessions is probably to be found by referring to the division of the Western Empire effected by the first Christian Emperor Constantine, and to the names then given to the provinces, names which were still recognised in St. Patrick's time not only by Roman citizens, but also by the Church.

Constantine divided the empire into four governments, or prefectures as he called them; the prefecture of the East, the

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St. Patrick. prefecture of Western Illyria, the prefecture of Italy, and the prefecture of the Gauls. The last of these was again divided into three sub-prefectures, viz., that of Gaul, which comprehended seventeen provinces; that of Spain, in which there were seven provinces; and that of Britain, which contained five provinces. The prefecture of Gaul included not only France and Belgium, but part of Germany also, the capital and centre of government being at Treves in Germany.

From these circumstances it is manifest that when St. Patrick spoke of going to "the Britains" and if possible to Gaul, he could not have meant to indicate by the term "Britains" a part of Gaul near Boulogne, which, whatever name it may have borne at an earlier period, had been known in the language of Roman officials and in that of the Church from the time of Constantine, as a part of the province of Gaul, and as distinct both from the ancient provinces of Britannia Prima and Secunda, and from the three other provinces which with them constituted Britannia Romana.

The fact that the Church adopted and recognised the territorial divisions made by Constantine explains the apparent subordination of the British Church to that of Gaul, of which we see indications in the missions of St. Germanus and of St. Lupus to check the Pelagian heresy, and in the desire of St. Patrick to visit the Lord's Saints in Gaul. To what extent both these churches were subordinate to the Pope, as Bishop of Rome, whose authority especially over the western parts of the Empire, was recognised at the Council of Nice (A.D. 325), and confirmed at the Council of Constantinople (A.D. 381), half a century before the mission of St. Patrick, it would be beyond the limits of this preface to consider.

From the fact that St. Patrick speaks of his *brethren* in Gaul the Armoric Bretons have claimed him as a kinsman, just as the Americans claim to have an interest in Shakspeare in no degree inferior to our own, because their ancestors left England at a period subsequent to his death. Dr. Lanigan

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suggests the older connexion which existed between Britain and Gaul, owing to the circumstance that the former was colonized from the latter, but such connexion does not explain the obvious fact that St. Patrick in speaking of his proposed journey, most carefully distinguishes Gaul from Britain. St. Patrick.

It remains for us now to consider how far the theory that he was born and resided with his parents in the vicinity of Glastonbury and Bristol is consistent with the particulars which he has given us of his capture and of his subsequent escape and return to his home.

The date almost invariably assigned for his consecration is the year 432 A.D., at which time he was forty-five years of age according to Tillemont and Lanigan.* His capture is said by himself to have taken place when he was sixteen, which must therefore have been in the year 403 A.D. The Roman Conquest of Britain, commenced by Julius Cæsar in 55 B.C., had gradually extended until all England, Wales, and the part of Scotland to the south of the fortified road or wall which ran from the Clyde to the Forth, were brought under the sway of the Empire; beyond this northern wall were the Picts to the eastwards, and to the west the colony of Irish Scoti.

The decline of the Empire which commenced at the time of the division made in A.D. 395 by Honorius and Arcadius the sons of Theodosius the First, had proceeded so rapidly that when Alaric, king of the Goths, invaded Italy, in the year 402 A.D., Stilicho, the minister of Honorius, found it necessary to withdraw all the Roman soldiers who had been stationed along the northern wall from Dumbarton to the Frith of Forth. The effect of this proceeding was in all probability that the territory left unprotected (Dumbarton and the province of Valentia) was overrun and laid waste by the northern barbarians; and in addition to the evil done by these marauders Gibbon tells us that England suffered from the ravages of invaders (supposed to be the Scots

* Lanigan's Ecclesiastical History of Ireland, vol. i., p. 135.

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St. Patrick. of Ireland), who landed upon the western coast. That this should be the part of England selected for their operations is not surprising. The city of Bath, renowned for its wealth and the luxury of its inhabitants, was a tempting prey to those whose object was plunder. Its strength, however, was well known, and hence an alliance may have taken place between the leaders of the Picts, of the Caledonians, and of the Ulster Scoti, joined also perhaps by the kings of Leinster, of Meath, and of Mann, and a combined expedition may have been organized as soon as the news of the withdrawal of the Roman troops, in A.D. 402, was noised abroad. There is nothing, therefore, improbable in the supposition that in the following year many thousand Roman citizens of the south of Britain were carried by the enemy into captivity, to what appeared to them to be distant kingdoms near the extremity of the earth.

The theory that the neighbourhood of Bristol was St. Patrick's birthplace and the home of his early youth is not inconsistent with the account which he gives of his escape from the county of Antrim, where he had served as a slave, and of his return to his parents' house in "the Britains." The allusion in the Confessions to the voices of the youths at Fochlut* (in Mayo) leads us naturally to infer that he had himself been there during his first sojourn in Ireland. If such was the case his visit must have taken place in the course of his journey homewards, after he had effected his escape from captivity. It is not improbable that fearing to venture into any seaport in Ulster, he directed his steps towards the western shores of Ireland.

The youths of Fochlut, in the kingdom of Connaught, may possibly have sheltered and assisted the fugitive, and directed him to the harbour of Drogheda, at the mouth of the Boyne, which, from its proximity to Tara, the residence of the monarch of Ireland, was the port most frequented by persons from all parts of Ireland, as well as by strangers from

* Fochlut. Between Ballina and Killala, in the county Mayo, *vide* O'Donovan's Genealogies, Tribes, and Customs of Hy-Fiachrach, p. 463, note b.

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England, and from which he might have had opportunities of returning to his friends. St. Patrick.

In those days of imperfect navigation it is not unlikely that a ship sailing from the Boyne for Bristol might find extreme difficulty, if contrary winds were prevalent, in making her port of destination; in many cases it would be necessary at last to pass round the Land's End to Penzance in order to effect a landing, and so the vessel might well be, as described, three days at sea. We may suppose this to have been the case with the vessel in which St. Patrick sailed for Britain. Disembarked there at a distance from his destination, he would be obliged to undertake a long and weary journey overland to Bristol. Avoiding the coast which, as is stated, was unsafe, in consequence of the attacks of enemies, he would naturally keep inland among the hills and across Dartmoor, the security thus obtained compensating for the additional toil, fatigue, and delay. It might be objected that so long a period as twenty-eight days would not be required to walk from Penzance to Bristol. The difficulties to be encountered by a small party under such circumstances are, however, to be kept in mind. Within the last year, with every resource and assistance that could be supplied by wealth and contrived by modern skill, the English troops were unable to reach Magdala from Annesley Bay, which is about an equal distance, in a shorter time. We need hardly then be surprised that a party wholly destitute of any such appliances should be slow in accomplishing a march through a country at that day probably as wild as Abyssinia at present.

The connexion of St. Patrick with the old provinces of Britannia Prima and Secunda explains many of the allusions in his epistle to the tyrant whom he calls Coroticus, and who is supposed to be the same as Theodoric, king of Cornwall, by whom St. Fingor or Guinger, the son of an Irish king, banished by his father for receiving St. Patrick and embracing Christianity, was massacred with all his followers about the year 455 A.D. The position of Britain at the supposed date of that epistle, overrun with

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St. Patrick. Scots and Picts, and with Pagan Saxons, obtaining in the south occasional assistance from Roman officers, who themselves became petty tyrants, makes the suggestion* about Theodoric much more probable than Mr. Nicholson's hypothesis† that Coroticus was the same as Carausius, who lived so early as A.D. 287.

Considering the whole group of facts that have been referred to, the vicinity of Glastonbury, Bristol, and Bath in the old provinces of Britannia Prima and Secunda would seem to be the most probable birthplace of St. Patrick. That doubt should exist on such a point is no cause of reproach to the Irish Annals. The birthplace of the greatest of Grecian poets was a subject of contention between seven cities of Greece, and the historians of Rome were unable to fix the birthplace of the first Christian emperor Constantine, who lived only a century before St. Patrick, so that, as Gibbon tells us, there was a literary and almost a national contest as to whether he was a native of Britain, Nicomedia, or Dacia. Gibbon himself has only ventured to say that Dacia was most probably his native land.

In support of the views put forward in this Preface with respect to the native place of St. Patrick and St. Cairnech, it is interesting to refer to the allusion in the writings of the great antiquary who has passed away since this volume was commenced, for the publication of which he was a Commissioner. Writing in 1849, Dr. Petrie says—"I suspect that you got Christianity in South Wales long before we got it into Ireland; and, also, that we are indebted to you for it."‡

The difficulties in reconciling the different statements as to particular incidents in the life of St. Patrick have been used for the purpose of throwing discredit on the early biographies, and for attempting also to overthrow the ordinarily received chronology, and to substitute the

* Descriptive Catalogue of Materials relating to the History of Great Britain and Ireland, vol. i., p. 60, note.

† Nicholson's St. Patrick, &c., p. 32.

‡ Letter in Stokes' Life of Petrie, p. 365.

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third for the fifth century as the time in which he flourished. St. Patrick.

Before condemning the ancient Irish Annals in such a wholesale manner, it is worth while to consider whether any circumstances existed likely to cause error in the early chronologies, whether it is possible to ascertain the limits of error likely to be produced by such circumstances, and whether the discrepancies in the Irish records exceed these limits.

We are so accustomed to the modern method of measuring time from the commencement of the Christian era, that we are apt to forget that until the overthrow of the Western Empire the mode of computation employed was either the Greek or the Roman, the former of which was by Olympiads, the latter dating from the foundation of the city of Rome. Besides these two modes, there were in use in countries such as Ireland, beyond the limits of the empire, methods of computation peculiar to themselves. It was not until the century after that in which St. Patrick prosecuted his mission in Ireland (or about A.D. 527) that the mode of computing time from the birth of our Lord was first proposed by Dionysius Exiguus. It was adopted at different periods by the various countries of Europe. It was not in general use in England until after the year 816 A.D., when it was prescribed by the Council of Chelsea.

The era then introduced was found in later times to be by four years incorrect; it has, however, been ever since used under the name of the "Vulgar Era."

The first English writer of eminence who is said to have employed the Christian method of chronology was the Venerable Bede; his dates are however not free from error, for according to Hales there is a mistake of one year in all his calculations.

A further complication, which increased the difficulty of ascertaining all dates prior to the 25th March in any year, arose from the circumstance that England adopted that day as the commencement of the year, while Scotland, following no doubt the example of Ireland and most of the other

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St. Patrick.

countries of Europe, adopted the 1st of January. This circumstance would cause a difference of one year in the English records, when compared with those of other countries, as to the dates of all events happening between the 1st of January and 25th of March. This latter anomaly continued until the middle of the eighteenth century. In the reign of George II. the English system was abandoned, and the first of January has since been recognised as the commencement of the civil year.

From these circumstances a calculation has been rendered necessary with regard to all events recorded prior to the sixth century, in order to deduce from the record their dates according to our present system of chronology.

After the discovery of the error of four years in the calculations of Dionysius, but previous to the detection of the mistake committed by Bede, and of the effect produced by the fact of there being different dates for the commencement of the year, the commonly received chronology of many events was probably one or two years incorrect.

The remarks of Dr. O'Conor, quoted by Professor O'Curry upon the chronology of the "Annals of the Four Masters," are in complete accordance with the statements which have here been made. He asserts that until the year 800 A.D. the Annals generally date the events four, and sometimes five years before their proper time. From that year until A.D. 1000 they are three and sometimes two years too early, but from A.D. 1000 the chronology is correct.*

Now, if the early dates had been invented subsequently, we might expect to find the chronology correct as well with respect to events prior to A.D. 1000 as with respect to those which took place in later times; and, on the other hand, as these Annals profess to be founded on ancient records, we cannot reasonably expect to find them free from the errors of Bede and Dionysius.

If we examine the records of the death of St. Patrick we shall find some of the discrepancies to fall within the limits of error above referred to.

* "O'Curry's Lectures on the MS. Materials of Ancient Irish History," p. 151.

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The following dates are given in different records:—A.D. 489, 490, 491, 492, and 493. They are all obviously derived from the same original, being within the limits already indicated. St Patrick.

In connexion with this subject the particular mode in which dates were calculated before the year 800 A.D., in which the Christian era was adopted, has not perhaps been sufficiently considered.

Dr. Lanigan has alluded to this point in a reference* which he makes to the "Annals of Innisfallen," and in which he remarks that in those Annals the date of the death of St. Patrick is calculated from the *Passion and death* of our Lord. He explains that the method employed by Bede and others for reducing all such dates to the Christian era was to add in each case thirty-three years. Dr. Todd also has given from "Tirechan's Annotations" in the Book of Armagh an instance in which the same event is mentioned as having taken place so many years from *the passion* of Christ. He, too, adds thirty-three years in order to reduce that date to the Christian era.†

Such then is the change necessary in order to bring into accord with our modern system of chronology, the dates of events recorded in the ancient manuscripts of this country; and as this calculation must have been made by the writers who lived at the time of or immediately subsequent to the introduction of our modern system we can easily understand how much confusion must have arisen from the copyist simply mistaking the letters A.P. (Anno Passionis), for A.D. (Anno Domini), thus causing an error in date of no less than thirty-three years.

A more natural source of error or one more likely to escape detection in after times it is scarcely possible to conceive. Writers on this subject, instead of examining the difficulties on chronological principles, have adopted the suggestion that there were two St. Patricks living at the same time, and that the one who was born in Ireland was

* Lanigan's Eccl. Hist. of Ireland, vol. i, p. 362.

† Todd's St. Patrick, Apostle of Ireland, p. 395.

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St. Patrick. the same who was buried at Glastonbury. This hypothesis is rejected by Dr. Lanigan, who insists that Sen Patrick and St. Patrick are one and the same person.

The Chronicon Scotorum recently published, serves to show how completely the apparent discrepancies can be reconciled. The editor of that work indeed understands the Chronicle to refer the birth of St. Patrick to the year 353 A.D., and pronounces this to be a gross error; but if we assume 353 to be the number of years from the *death* of Christ, and adopt Bede's method of adding thirty-three years in order to reduce that date to the Christian era we get A.D. 386, which is within one year of the date of the birth of St. Patrick, as calculated by Dr. Lanigan upon the assumption that he must have been at least forty-five years of age when he was consecrated bishop, and before his arrival in Ireland in A.D. 432. If he was consecrated in A.D. 431, then A.D. 386 would be the exact date of his birth on the same hypothesis.

There are two conflicting accounts of the death of St. Patrick given in the Chronicon Scotorum. The year A.D 660, in which there was great mortality in Ireland, is said to have been 203 years after that event; his death would thus be placed in A.D. 457, just before St. Benignus was appointed his successor. It is, however, also mentioned that he died in the year 489 A.D., and it is observable that these two dates are just thirty-two years apart, so that as above explained the discrepancy may have arisen from mere oversight or carelessness.

If we must choose one of these two dates as the period of the termination of St. Patrick's mission in Ireland, there can be little doubt as to the principle on which the selection ought to be made. The words of the Psalmist—"Three score years and ten, and if by reason of strength four score years," fix seventy years as the natural limit to an active and laborious life, such as St. Patrick describes his life in Ireland to have been; while the appointment of St. Benignus as his successor in A.D. 458, is also a circumstance which may serve to guide us in our selection. If St. Patrick was so vigorous

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that his life was prolonged to the age of 102, which age he must have attained if his death took place in A.D. 499, how can we account for his early resignation of the See of Armagh? St. Patrick.

It remains for us then to endeavour to reconcile the apparently conflicting statements made by other authorities also as to the year in which his death took place. The year 457 A.D. is assigned by some, while the Annals of Innisfallen mention the year 432, from the *death* of Christ, or 465 of the vulgar era and 469 of the Christian era. This latter date corresponds with the year obtained by adding thirty-three years to the date (A.P. 436) given in "Tirechan's Annotations" to the Book of Armagh, as referred to by Dr. Todd.* This date also corresponds with the Glastonbury account of his death in A.D. 472, allowing a margin for the error to which, as shown above, the early records were liable.

The Glastonbury tradition alleges that he retired from Ireland some years before his death, just as St. Benignus his successor, and St. Ninian, the Apostle to the Picts, his contemporary, are said to have spent their latter years in repose. We may thus take the year 457 A.D., as the year of his resignation. He was then seventy years old, and we may well believe that he took refuge for the remainder of his life at Glastonbury. The exact date of his death is not known, different writers having extended his life to 78, 82, and even to 85 years.

The accounts given of the ceremonies which took place at Saul, near Downpatrick, in A.D. 457, of obsequies which lasted twelve days, and celebrations of various kinds which continued for a year, and to which the clergy flocked from all parts of Ireland, are much more suggestive of a leave-taking than of a funeral. The news that the great Apostle was about to retire from the work in which he had laboured so long, and accomplished so much, would excite a natural desire among his disciples and converts, to testify their respect by coming to say farewell, and his piety would

* Todd's St. Patrick, Apostle of Ireland, p. 395.

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St. Patrick. prompt him to take advantage of such an occasion to encourage and stimulate them to further efforts by joining with them in the religious services of the Church. The scene might have been in some respects not unlike the parting between St. Paul and the Elders of the Ephesian Church, at Miletus.* The curious dispute as to the possession of his body related in the Annals of the Four Masters, was perhaps a contest between rival parties each anxious that he should take up his residence for the remainder of his life amongst them. The dispute is said to have terminated in both parties being led to think that they had gained their object. Possibly St. Patrick may have assured the claimants from Armagh that he would not go to Downpatrick, and those from Downpatrick that he would not go to Armagh, and then fulfilled both assurances by leaving altogether a country where his presence would only be a cause of division and strife, and to which from failing health he could expect to be of no further use, while in returning to his native land and to his kindred, he would gratify the natural feelings which he had so strongly expressed.

Upon a subject which has engaged the attention of so many able men, and on which so much has been written as the life of St. Patrick, it would be presumptuous to offer a positive opinion; but, in defence of the Senchus Mor and of the Irish Annals which corroborate it, we have thought it right to examine how far it was possible to reconcile the conflicting statements of authors on the simplest principles of chronological correction, and to submit our conclusions as suggestions for the completion of the biography of the great Apostle of Ireland.

We cannot conclude our observations on St. Patrick without calling attention to the tone in which some of our antiquaries speak on this subject. Mr. Nicholson to whom we have already referred, has, in his recent work,† quoted, apparently with approbation, the offensive remark of Gibbon with respect to the sixty-six authors who before

* Acts, xx.

† Nicholson's St. Patrick, &c., p .1.

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the ninth century had written in praise of the Apostle. A recollection of the singular inaccuracy of the only two assertions,* made by that historian with regard to Irish affairs, might have made the writer in question hesitate to adopt the objectionable language made use of when referring to this subject. Gibbon has stated that Ireland was colonized from Scotland, and he denies that St. Patrick was of good birth. Mr. Nicholson does not venture to support either of these views,† but in accordance with the opinion, now universally held, says "the Scots of North Britain were a successful colony from Hibernia or Scotia, as it was sometimes called;" and in proof of St. Patrick's undoubted rank he quotes a passage from the epistle to Coroticus, in which the Saint states, "I was of honourable birth according to the flesh, my father being a Decurio, for I gave up my nobility." St. Patrick.

Had Gibbon not been misled by his contempt for the writings of the early admirers of St. Patrick he would probably have reserved his opinion until he had read the works alleged to have been written by the Saint. Had he done so he would have escaped falling into the error which has been thus exposed.

Mr. Nicholson himself affords his readers an opportunity of exercising that charity and forbearance which we ask should be extended to the writers who narrated their impressions of St. Patrick more than a thousand years ago. Those biographers wrote under great difficulties. The invention of printing had not supplied them with authorities, and the manuscripts on which they were compelled to rely, were few and imperfect. Compare their position with that of modern investigators. We have the works of Ussher and Lanigan, the researches of O'Donovan and O'Curry, as well as the publications of the Archæological Society and of the Celtic Society, and yet, with all these advantages, Mr. Nicholson in his "St. Patrick the Apostle of Ireland in the Third Century," by an oversight excusable only when we consider

* Gibbon, chaps. 25 and 36. † Nicholson's St. Patrick, &c., p. 38.

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St. Patrick. the difficulty of the subject treated of, has done a signal injustice to one of our greatest antiquaries. This oversight we have next to notice.

King Corc. In the preface to the first volume of the Senchus Mor an objection is noticed which had been made to the account therein given of the compilation of that work, viz., that King Corc was not a contemporary of St. Patrick, and it is distinctly stated* that Dr. O'Donovan and Professor O'Curry had both been taken into consultation upon the subject of that and other objections to the chronology, that both had concurred with the Editor of the volume in thinking that those objections were not well founded, and that there was no reason to doubt the statement of the nine alleged authors of the Senchus Mor being contemporaries; and, yet, in spite of this explicit assertion, Mr. Nicholson, although making frequent reference to that preface, takes Dr. O'Donovan's opinion from a note which he published in the Annals of the Four Masters fourteen years previously, in which note he expresses his agreement with O'Flagherty's opinion "that King Corc was not a contemporary of King Laeghaire or St. Patrick's mission."

Dr. O'Donovan seems to have made this statement in the note to the Annals without having investigated the subject for himself. The ground of his opinion is that given by O'Flagherty—"For Corc was grandfather of Aengus Mac Nadfraech, the first Christian king of Munster," and he adds as his authority—Ogygia, III., 786.

This opinion was commonly received until the editing of the Brehon Laws rendered it necessary that the subject should be specially considered. Thus it had been adopted by the late Dr. Petrie† in his History and Antiquities of Tara Hill, and by Dr. Todd in his Life of St. Patrick;‡ but since the conclusions arrived at after investigation by Dr. O'Donovan, Professor O'Curry, and Dr. Hancock,

* Preface to 1st Vol. of Senchus Mor, p. xxvii.

† Trans. Royal Irish Academy, vol. xviii., part ii. (1839), pp. 71 *et seq.* See also p. 52.)

‡ Page 483, note 1.

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were made public, Dr. Todd has signified his concurrence in their view by publishing it as his opinion "that Corc, son of Lugaidh, was King of Cashel in the time of St. Patrick."* The same view is now adopted by others also.† King Corc.

A doubt, similar to that already noticed with regard to St. Benignus, has been raised as to the chronology of King Corc. It is founded on the genealogy given by Keating. The portion material for consideration is the following. "Aengus, son of Nadfroach, son of Corc, son of Luighaidh, son of Olioll Flann Beg, son of Fiachadh Muilleathan, son of Eoghan Mor." Referring to Keating's Genealogy as an authority, Mr. Nicholson takes the record of the death of Eoghan Mor at the battle of Magh Mucruimhe in A.D. 195, and adding twenty-five years for each generation, argues that King Corc must have been born in A.D. 265. The first part of the genealogy appears to have escaped his notice, for it presents a difficulty in the way of his hypothesis much greater than that occasioned by the assumption to which he objects.

Let us suppose (to put the case most favourably for Mr. Nicholson's view) that Aengus reached the age of eighty-one. The expression made use of in recording his death in battle is, that "his prosperity was cut off,"‡ which seems to imply that he was then in the prime of life, and not a man in extreme old age; but supposing that he was eighty-one years old in A.D. 489, his birth must have taken place in the year 408 A.D., and on this hypothesis the supposition that Corc was born in A.D. 265 (i.e. 143 years before) renders it necessary to allow seventy-one and a half years for each of the two intervening generations.

But, if we assume Corc's death to have taken place in A.D. 442 (which is sufficient to establish the chronology of the Senchus Mor), and suppose him to have attained the age of eighty-one, which will give us A.D. 361 as the year of his birth, we need allow only fifty-five years and one-third for each

* Todd's Wars of the Gaedhil with the Gaill, p. 124, note 2.
Illustrated History of Ireland, p. 144.
Preface to first vol. of Senchus Mor, p. xxvi.

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King Corc.

of the three intervening generations between him and Eoghan Mor; and when we bear in mind the innumerable instances in which in early times the eldest sons of Irish Chieftains fell in battle without issue, and that consequently the race was continued through the younger branches of the family, this is not an extravagant supposition.

If Mr. Nicholson had examined the entire of Dr. O'Donovan's note, he would not have left unnoticed the difficulty with regard to the date at which the death of Aengus took place; and, recollecting that the record of this event as having occurred in A.D. 489, and of the death of Eochaidh the son of Aengus, in A.D. 523, proves beyond a doubt that Aengus lived in the fifth century, he would not have insisted that the story of St. Patrick's life and mission in the fifth century was apocryphal, because Dr. O'Donovan, in the belief that St. Patrick was a contemporary of King Aengus, had expressed a doubt as to whether he were also a contemporary of King Corc.

It is evident in this case, as well as in that of the doubt raised with regard to St. Benignus, that a careful examination of the records of their lives only serves to strengthen and confirm the statements made in the introduction to the Senchus Mor.

Selection of Text.

The text of the present volume has been settled almost entirely on the plan recommended by Dr. O'Donovan in his translation of the Senchus Mor from the MSS. in H. 3, 17, and H. 2, 15, T.C.D., which have been taken as the basis of the work. The interpolations are almost, without exception, those suggested by that eminent scholar in his original translation. A fragment from Rawlinson, 506, a MS. in the Bodleian Library, Oxford, has been given as an appendix, on account of its containing some additional matter on the subject of the Law of Social Connexions, not found in any of the Dublin MSS.

The concluding part of the Law of Distress, has been taken, as advised by Dr. O'Donovan, from the MS. in H. 3, 18, from which other shorter interpolations have also

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Selection of Text.

been derived. Dr. O'Donovan's original translation of the two first named MSS., viz. those in H. 3, 17 and H. 2, 15, has been made the basis of the translation given in this volume; but the whole has been revised on the plan explained in the preface to the first volume. In like manner, Dr. O'Donovan's notes to his translation have been made the basis of the notes to this volume.

The portions of the Senchus Mor in the MS. in H. 3, 18, T.C.D., were translated by Professor O'Curry and afterwards by Dr. O'Donovan. The text of the concluding pages of the Law of Distress is an interpolation from the MS. in H. 3, 18, which was transcribed by Professor O'Curry; it is marked in the margin of the Irish text, C. 816–824, and Professor O'Curry's translation has been adopted as the basis of the translation of this portion. The letters O'D. and C. in the margin, refer, as in the first volume, to the transcripts of Dr. O'Donovan and Professor O'Curry respectively, and not to their translations.

With the exception above noticed, little assistance as regards this or the former volume has been derived from the MS. in H. 3, 18, the only MS. of the Senchus Mor translated by Professor O'Curry. That MS. is very defective throughout, the introduction, for example, as given therein, being by no means so complete as that of the Harleian MS. from which the Irish text of the first volume was printed;* while the glosses and commentary are much less copious, as may be judged from the fact that while the original translation of the introduction glosses and commentary in the Harleian copy amount to 53 pages, that of the same portions as contained in the MS. H. 3, 18, amounts to but 29 pages. The disproportion between the rest of the Senchus Mor as found in the Harleian MS., MS. H. 3, 17 and MS. H. 2, 15 on the one hand, and in H. 3, 18 on the other, is far greater as regards the other parts than that shown to exist in the case of the introduction, with the glosses and commentaries thereon. In fact a great deal of what relates to the Senchus Mor in the MS. H. 3, 18, consists of only scattered and disjointed fragments, useful chiefly for the purpose of interpolation or notes, as supplying

* A *fac simile* specimen page of the Harleian MS. is prefixed to this volume.

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Selection of Text.

occasionally a fuller reading or a word or sentence not found elsewhere—a use to which they have been put in the present volume as well as in the former, in accordance with the suggestions of Dr. O'Donovan. It may not be amiss, perhaps, to add that the whole of the interpolations and notes from that MS. employed in Vol. I. would not, if added together, amount to three pages of the work.

Other short interpolations, marked in the margin C., and ranging between C. 2137 and C. 2906, have been taken from Egerton 88, a MS. in the British Museum, transcribed by Professor O'Curry, but translated by Dr. O'Donovan. The Irish text as printed has been in every case compared with the original MSS.

Description of MSS.

The MSS. in H. 3, 17, H. 2, 15, as well as that in H. 3, 18, having been fully described in the Preface to Vol. I., page xxxi., &c., it is only necessary to add respecting them, that the MS. in H. 3, 17 is a thick vellum MS. in small quarto, consisting of 874 columns, marked with Arabic figures in a modern hand; that the contents are miscellaneous, consisting chiefly of law tracts; and that the work is made up of fragments of several books, written at various times, probably in the fourteenth, fifteenth, and sixteenth centuries.*

The collection of MSS. marked H. 2, 15, is a large folio volume of 238 pages, partly written on vellum, partly on paper. The fragment of Brehon laws contained in the work appears to have been written not later than the beginning of the fourteenth century.* From this MS. the text of the "Law of Social Connexions" at the conclusion of this volume has been taken.

The collection of MSS. marked H. 3, 18, from which the text of the latter part of the Law of Distress in the present volume has been taken, is a small quarto volume of 665 pages of vellum, and 194 pages of paper, written apparently in the 16th century. The first 500 pages contain various tracts and fragments of Brehon Laws. The remainder consists of several independent glossaries, poems, historical tales, and pedigrees, &c.

* A *fac simile* specimen page of each of the MSS. H. 2, 15, and H. 3, 17, is prefixed.

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Description of MSS.

The book of MSS. marked Egerton 88, from which a few passages in the first part of this volume have been interpolated, is a small folio book consisting of ninety-three folios, the greater part in double columns, a small portion at the end in triple columns. This book, which from a notice nearly defaced at the top of folio 79 A, and another at page 2 of folio 2, appears to have been copied for Domhnall O'Davoren in the year 1567, contains tracts on Brehon laws, with some historical and romantic tales, a fragment on Irish grammar, and an ancient Irish glossary. At the lower margin of folio 11 B there is a note to the following effect:— "This is the eve of the great festival of Mary, and it grieves me that Donogh O'Brien is in danger of death from the son of the Earl of Ormond, and it is a wonder to me that Cairbre is courting counsel from Connor. The Park is my residence. Magnus for Domhnall, and himself travelling Eire. Anno Dom. 1567."

The MS. marked Rawlinson 506, in the Bodleian Library, Oxford, is a small folio book, written on vellum, with a few leaves of paper at the end containing some Latin entries. The portion from folio 16 to folio 61 contains tracts on Brehon laws. The first fifteen folios and the remainder, from folio 61 to the end, contain fragments of grammatical and topographical works. The law tracts in this MS. were written, in the opinion of the late Professor O'Curry, by Adam O'Cianain or O'Keenan, in "a fine clear hand, like that in the Book of Ballymote, but better." In the Annals of the Four Masters, under the date A.D. 1375, the death of Adam O'Keenan (O'Cianain), a canon and learned historian, is said to have taken place at Lisgoold, in Fermanagh, near Enniskillen. O'Reilly (Irish Writers, p. 102) says that he had in his possession two volumes on vellum, in the handwriting of this O'Keenan, one of which was a copy of ancient laws. If Professor O'Curry's opinion be correct, we should thus have the close of the 14th century as the date of the MS. Rawlinson, 506. The O'Cianains or O'Keenans appear to have been a literary family, for besides this Adam O'Cianain, we find the death of Gilla-na-naev O'Keenan,

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Description of MSS.

abbot of Lisgoold, noticed under the year 1345 of the same annals. Moreover, there is recorded, under the year 1405, the sudden death of Gilla-na-naev, the son of Rory O'Keenan, ollav or chief professor of history of Fermanagh, while the death of Cormac O'Keenan, a learned historian and poet, is mentioned at the year 1508.

Evidence from MSS. of antiquity of Senchus Mor.

These manuscripts contain in some places references to more ancient copies of the Senchus Mor as the authority for particular glosses or commentaries on portions of the law. Thus, in the treatise on Hostage Sureties (p. 133) we are told that "this is the old reading of the same Yellow Book." And again (p. 135), with reference to another portion of the commentary, we read "that which follows down here is from the Senchus Book of O'Scoba;" and further still there is a distinct reference to an older writer (p. 139), where it is said—"The author here advises the defendant, if pledges or sureties have not been accepted from him for his own pledge, to take the hostage surety of the plaintiff until what is lawful be given to him."

The particular member of the O'Scoba family whose work is referred to has not been ascertained. Two persons of this name are mentioned in the Annals of the Four Masters as having attained to a distinguished position in Ireland. One Ua Scoptha became a comharb of Comman (probably abbot of Roscommon), and died in the year 1093; and Carbry O'Scoba, a friar of the order of St. Dominic, was appointed Bishop of Raphoe in 1266, and died in 1275.

Professor O'Curry, in his list of ancient Irish books, most frequently referred to in other MSS., mentions "The books of O'Scoba of Clonmacnoise." If the Senchus of O'Scoba referred to at p. 139 was one of his books, it must have been in existence in the eleventh century, before the first introduction of English law into Ireland, in the reign of King Henry the Second.

It also appears that the books used by the compilers of the MSS. from which the text is taken were themselves founded on books still more ancient. Thus in the Law

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of Fosterage (p. 147), after a description of the rules of Fosterage as to the clothes to be worn by children of different ranks of society, there is added—"Another version; no book mentions a difference of raiment, or that there should be any difference in clothes at all." This remark clearly indicates that the compiler of the manuscript referred to as the other version, had himself before him a number of distinct books containing the Senchus Mor, with different commentaries. Evidence from MSS. of antiquity of Senchus Mor.

The reference to a Yellow Senchus (Senchus Buidhe), explains perhaps the contraction "S. B." which occurs after several passages of the commentary. The passages thus marked probably rest for authority upon the Yellow Book referred to (p. 133). It also suggests an explanation of the contraction "S. D." which occurs in the margin or at the end of other passages. This is probably a contraction for "Senchus Dubh," and refers to a Black Senchus; or it may be a contraction for "Senchus Dul," a Senchus Book, and may refer to the Book of O'Scoba, quoted at page 135.

If the contractions "S. B." and "S. D." indicate as here suggested law MSS. of different colours, such designation would only be in accordance with the well-known practice of distinguishing Celtic MSS. Thus we read of the Yellow Book of Leacan (Leabhar Buidhe Lecain), the Black Book of St. Molaga (Leabhar dubh Molaga), the Red Book of Mac Egan (Leabhar ruadh Mhic Aedhagain), the Speckled Book of Mac Egan (Leabhar breac Mhic Aedhagain), and others mentioned by Professor O'Curry.*

A few words that have a technical meaning have been left untranslated in this as in the first volume. The interpretation there suggested of "Cain" Law, as a law applying to all Ireland, and of "Urradhus" Law, as applying to the local modifications of the general laws, consequent on the division of Ireland into separate kingdoms, seems confirmed by the portions of the law included in the present volume. Thus the universal law of fosterage is called "Cain Iarrath." The laws of tenure are called "Cain Saerrath" and "Cain Aigillne," and the law of social connexions is called "Cain Untranslated words.

* Lectures on the MS. Materials of Ancient Irish History, pp. 20, 190.

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Subject matter of volume.

Lanamhna." The "Urradhus" law is only referred to in a few cases for minute distinctions.

The subject matter of the portion of the Senchus Mor contained in this volume are—

The completion of the Law of Distress commenced in the first volume.

The Law of Services of Hostage-Sureties.

The Law of Fosterage.

The two Laws of Tenure; and

The Law of Social Connexions.

Law of Distress.

The part of the Law of Distress given in the first volume related chiefly to the different kinds of distress, and the modes of taking the same; the portion in this volume is chiefly concerned with the mode of keeping the distress, the limitations as to taking a distress, and the cases of exemption.

The untranslated words retained in this part of the work are those that distinguish the places in which a distress could be kept. Amongst them are two kinds of forts, called respectively "Lis" and "Dun," and it has been thought right to preserve this distinction by calling them "Lis"-fort and "Dun"-fort respectively, as it is plain they are not equivalent terms. The two words are preserved all over Ireland in the names of many towns and townlands, as Liscarrol, Lismore, Lisnagarvey (now Lisburn), Lisnaskea, and Listowel, &c.; and Dunboyne, Duncannon, Dundalk, Dundrum, Dungannon, Dunmore, Dunsaney, &c.

In the case of pounds there are several distinctions which it has been thought right to preserve. Thus the "Mainner"-pound, or enclosure of the man by whom the distress was taken, is distinct from the "Scor"-pound. The "Forus nacra," another term applied to a "Mainner"-pound, is distinguished from the "Forus nditin," a habitation of the chief poet, and from the "Forus mbreitheamhan," a habitation of the Brehon.

As to the treatment of the distress when taken, the law prescribes that it was to be brought into a strong place for secure keeping and protection, and gives minute directions as to the penalty in case of any accident happening to cattle taken in distress.

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Law of Distress.

There were seven greens appointed for distress, at which the debt was demanded. Each grade or rank had an inclosed green field in which cattle might be lodged. Every such green was to be level land, and at a distance from the border of the territory (p. 13) in order to insure the safety of the cattle confined therein, which might otherwise be stolen. In the limitations prescribed in taking a distress, the rights of parties who had claims for free quarters or food-rent on the defendant were recognised as prior to those of creditors if of lower rank than the parties entitled to the free quarters. This arrangement is similar in principle to the landlord's priority of claim over an execution creditor in English law.

In like manner certain cattle were exempt if other less valuable cattle were present sufficient to satisfy the claim. In the case of a kinsman-surety, even his land should be taken before the exempt cattle, as he might use the cattle as food, but land would be of no use without the cattle; and in the case of both debtor and kinsman-surety, the person of the party liable was exempt as long as he had either cattle or land to satisfy the claim.

In the case of fools, madmen, idiots, and dumb people, their persons were exempt from distress, but their guardians could be distrained; and as regards women and boys, they were held liable for their own debts only.

The law contains strict provisions for punishing every illegal act in connexion with a distress, whether committed through ignorance, difficulty, or carelessness. It prescribes appropriate fines for the different illegalities, and provides that the expense of feeding and tending the cattle while impounded should be paid out of the value of the distress.

With regard to the persons who could act as law-agents in taking a distress, there was a prohibition against a stranger, or a landless man acting in this capacity, and there were also restrictions as to the selection of advocates.

There were special provisions in the case of a debtor who had no property. He could be arrested after one day's notice,

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Law of Distress.

if he was of chieftain grade, unless he could get a native to become surety for his remaining in the territory until the case was tried. If he attempted to escape he might be at once arrested in any other territory except that in which he committed his crime, or made his contract, or that in which his residence was situated. This privilege of passage gave him freedom elsewhere. If he had no residence, some authorities held that he might be taken at once; others maintained that he could only be taken in the territory in which the offence had been committed.

The dignity of kings was preserved in the ancient law by the provision that they should not be distrained directly, but that certain officers of theirs called steward bailiffs should be distrained in their place. In the Commentary this privilege is extended to bishops also. The great dignity of the chief poets in Ireland, like that of the arch-druids in Gaul and Britain, as described by Cæsar, would readily enable St. Patrick, on the conversion of the druids, to secure this privilege of freedom from distraint, and many similar privileges, for the Christian bishops. The prerogative of the Crown at the present time, by which the Queen sues and is sued through the Attorney-General, is very similar to this privilege.

The Irish law contains also some special provisions respecting the absconding of a debtor, and with regard to the length of the "anadh," or stay, and the "dithim," or delay in pound—terms which have been explained in the preface to the first volume. These periods are regulated according to the distance between the residence of the plaintiff and that of the defendant, and also according to the nature of the property taken, or of the grade of the person to whom the property belonged.

The Commentary contains some curious regulations as to the mode in which the right of distress is to be carried into effect in the case of different animals, and in relation to persons of different trades, occupations, or professions. These provisions indicate that the chief wealth of the country consisted then, as now, in cattle, sheep, and pigs

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One leading peculiarity is the great estimation in which bees were held—so much was this the case, that there is among the Brehon Laws a short code on the subject of bees. The difficulty of obtaining sugar in early times naturally rendered honey an object of considerable value. From the fact that the subject of one of the Georgics of Virgil is the management and care of bees we may learn what an important place the keeping of bees and the production of honey occupied in early Roman agriculture; we need not, therefore, be surprised that they should occupy a similar position at the same period, as well as in later times, in Ireland. More favoured lands, in which the climate rendered such care less necessary, are described as "lands flowing with milk and honey." Law of Distress.

The sugar-cane was so little known to the Greeks that one of Alexander's generals, in noticing an Eastern campaign, mentions that "the people got sweetening matters from reeds, without bees." The lateness of the period at which sugar became an article of commerce appears from its being noticed as a novelty by the early Crusaders, and from its being used in Europe only as a medicine until the year 1466. The references to bees, and to the regulations respecting them, afford in this way a curious evidence of the real antiquity of the Irish laws, as it would never have occurred to a writer living at a time when sugar was abundant, and honey of comparatively small value, to attach such importance to bees as to make them the subject of special legislation.

In the taking of different kinds of distress special ceremonies were required to be observed. These singular observances were not however peculiar to Ireland. Gibbon has noticed* how in the jurisprudence of Rome at an early stage all proceedings were marked by outward signs; and as an illustration of this usage, he mentions that "a work was to be prohibited by casting a stone." Similarly in the Irish Law we have this regulation, "in the distraint of barren cattle that are not in a cow-house a stone is

* Decline and Fall of the Roman Empire, chap. 44.

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Law of Distress.

to be thrown over them three times before witnesses, after which they are put into a 'coman'-pound for a day and a night."

We are not then to pronounce any of the other ceremonies prescribed in the Irish Laws, for which a parallel has not yet been traced, peculiar or anomalous; they are in truth only indicative of the very primitive state of society which must have existed in Ireland when the laws were first established and those ceremonies came into use.

Law of Hostage Sureties.

The next subject treated of in this volume is the law of hostage sureties. This branch of law arose from the division of authority arising from the fact of Ireland being composed of a number of distinct provincial kingdoms and sub-kingdoms. The provincial kingdoms were originally five in number; their situation, though not their exact boundaries, is indicated by the names of Meath, Leinster, Munster, Ulster, and Connaught. Before the Senchus Mor was composed, Ulster had been divided into the kingdoms of Ulad, consisting of the parts of Ulster east of Armagh; Oirghialla, including the parts of Ulster south and west of Armagh, and Ailech (now Derry), including the parts of Ulster north and west of Armagh.

The sub-kingdoms were very numerous, and probably corresponded in size with many of the modern baronies which retain the names of the ancient sub-kingdoms, such as Fews and Oneilland in Armagh, Farney and Dartry in Monaghan, Deise in Waterford, Conilloes in Limerick, &c., &c. The inhabitants of each sub-kingdom were chiefly of the same tribe of people, and it is to them rather than to the provincial kingdoms that the law of hostage sureties no doubt related.

When the plaintiff belonged to one of the sub-kingdoms or tribes and the defendant to another, recourse was had to a system of sureties quite distinct from the kinsman-sureties elsewhere mentioned. The "Giall" or hostage-surety of the defendant was one whom a plaintiff might sue if the defendant absconded, and from whom a plaintiff

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was bound to accept pledges and securities. Again, if the plaintiff did not accept the pledges or securities offered by the defendant, the defendant might proceed against the hostage-surety of the plaintiff. If the hostage-surety for either party had to pay, he was to be indemnified by the party for whom he was surety. Law of Hostage Sureties.

One of the principal features of Irish society which has been transmitted to us by history and by tradition was the prevalence of fosterage, or the custom of placing the children, especially of chieftains and of leading men, in the charge of other members of the tribe during their early years. In this volume there is a treatise of considerable length on this subject, entitled Cain Iarrath or the "Cain Law of Fosterage." Law of Fosterage.

Of fosterage in Ireland there appear to have been two kinds, viz.:—Fosterage for affection, and fosterage for payment. In the former the foster parents received no remuneration, in the latter the terms were regulated according to the rank of the contracting parties.

The most ancient scale of prices of fosterage mentioned is as follows:—three "seds" for the son of an 'Og-aire'-chief; five "seds" for the son of a 'Bo-aire'-chief; ten for the son of an 'Aire-desa'-chief, and of an 'Aire-tuise'-chief; and thirty for the son of a king.

In the Commentary there are later modifications of this scale, and it is said that the price of fosterage is the same for all ranks up to that of the 'Bo-aire'-chief, and amounts to three cows. For an 'Aire-desa'-chief the price was four cows; for an 'Aire-echta'-chief, six cows; for an 'Aire-ard'-chief, nine cows; for an 'Aire-forgill'-chief, twelve cows; and for kings the price was eighteen cows. It is mentioned also that in the case of Poets, who formed a distinct class of society, the price of fosterage varied, according to their grades—for there were seven grades of Poets.

The ancient law books prescribe no distinct dress for the different orders of society, but the Commentary mentions that distinctions in this respect had subsequently been adopted,

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Law of Fosterage.

which it proceeds to describe. The son of the King of Erin was to wear satin and to have clothes of scarlet colour; he was to have silver in his scabbard, and a brooch of gold with crystal inserted in it. The sons of chieftains were only to have tin scabbards. The sons of the kings of a territory were to have only a silver brooch. Minute regulations as to the kind of food to be given to the children of the various ranks in fosterage are also laid down.

The provisions of the law respecting the instruction to be given to foster children indicate the primitive state of society existing at the time at which the law was framed. The boys of humbler rank were to be taught the herding of lambs and calves and kids and young pigs, as well as kiln drying, combing, and wood-cutting. The girls were to be taught the use of the primitive stone implement for grinding corn, called a quern, kneading, and the use of the sieve.

The sons of chieftains of the higher ranks were to be taught horsemanship, shooting, chess-playing, and swimming; and the daughters were to be instructed in the arts of sewing, cutting out, and embroidery. The interest taken in those early times in an amusement still retaining its popularity, especially among the wealthy, is shown by a provision in the law to the effect that the son of a king was to have a horse in the time of races.

In a series of very minute regulations the law provides for the determination of the various intricate questions and disputes which might arise out of the custom of fosterage. Thus the foster father, in case he was changing his residence and leaving the territory, might "through necessity" return to its parents a child which he previously had in his charge; or he might return it because "it was not fit to be fostered," in case, for example, it was afflicted with some disease. Again, he might return a child from pride or caprice; and for each of these three cases regulations are laid down respecting the fosterage fee, whether it is to be retained by the foster father, returned, or divided with the parent of the child.

The father on the other hand might from necessity take away his child from fosterage. If, for example, he was leaving

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the territory, or if the child was not properly taken care of. Or he might take it away from pride or caprice, although the child was properly cared for by its foster parents. Or he might take it away from bad fosterage, although not influenced to do so by that circumstance; and for all these cases provision as to the fosterage fee is also made. Law of Fosterage.

The period of fosterage terminated when the young people arrived at a marriageable age, or, as it was called, the age of selection, which was fixed at the age of fourteen years for girls and seventeen for boys. It might be terminated sooner by death, or by the child committing such an offence that the foster father was afraid to be responsible for his crimes.

This liability of the foster father for the crimes of his foster children is the subject of very minute and elaborate regulations in the law. It varied according to the kind of fosterage. Thus in fosterage for affection, the foster father was not liable for crimes committed by the child when not with him; and in the case of fosterage for payment, he is only liable for crimes of neglect and for the child's first crime of intention; but after the father is warned, or if he knew of the disposition of the child, he is liable for all crimes of intention. The foster father was also liable for injuries which the foster child might sustain while under his charge, and was entitled to a share of the compensation for such injuries recoverable from the person who inflicted them.

When the foster father restored the child to its own parents he presented it with a parting gift, which came to be called the "seds of lawful maintenance," and the validity of the foster father's claim to be maintained by the foster son in his old age, depended upon whether at the end of the fosterage he had given the prescribed number of "seds." This claim arose only in case his own children were dead or were unable to support him, and in case there was no person whom he had previously fostered in a condition to discharge the duty.

With regard to girls who had been fostered, less was expected from them towards the support of their foster parents, and this circumstance is mentioned as one of the

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Law of Fosterage.

reasons why a somewhat larger fosterage fee was paid in their case.

The system of fosterage appears to have been connected with the "Geilfine" tribe relationship which existed in Ireland, for it is mentioned that the relations who were within this degree were those who received the children in fosterage. The direct "Geilfine" tribe relationship was that of the father, son, grandson, great-grandson, and grandsons to the fifth generation, and in what was called the reverse line, i.e. the brother of the father and his sons to the fifth generation. From the fact that the custom of fosterage existed to a later period in Ireland than in neighbouring States it has by some writers been represented as a reproach to the ancient institutions of Ireland, but as it is well observed by Mr. Thorpe on the word 'foster' in his learned Glossary on the Ancient Laws and Institutes of England, "it would seem that the custom of placing a child out as foster son or daughter with another having a child or children, so that all might be bred and educated together, was as prevalent among the Anglo-Saxons as among the Scandanavian nations." We find, too, in the Laws of Wales,* sufficient indications of the existence of the practice in that country.

Laws of Tenure.

In the next sections, "Cain Saerrath" and "Cain Aigillne," considerable light is thrown upon the interesting subject of the ancient Irish tenures, or relations between the occupiers of land and the chiefs of the tribe. It is, of course, impossible to explain this intricate matter fully until the rest of the laws have been revised and published, especially the parts relating to tribe law, and to the tenure of land by the tribe, as well as the law relating to chieftains and grades of society; but sufficient information is furnished in the two important sections contained in the present volume to enable us to indicate, at least, the main characteristics of the Irish law upon the subject.

The first important characteristic appears to be that each

* Ancient Laws and Institutes of Wales. Folio edition, 1841, pp. 393, 541, 588, 684, &c.

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occupier of land belonged to a tribe, and was liable, in common with the other members of the tribe, to certain tribal obligations, such, for example, as the support of old members of the tribe who had no children ; he was also subject to his proper share of liability in certain contracts entered into by others, if made with the assent of the tribe. Laws of Tenure.

As he might himself involve the other members of his tribe, he was not perfectly free as regards the contracts which he could make ; neither was he free as to the disposal of the land, which was considered, to a certain extent, common tribal property. Thus, he could not sell his land or alienate it in favour of an adopted son, a member of an extern tribe. He was bound to offer the land on sale to his nearest kinsman, before external persons (*i.e.*, persons not of the tribe) could obtain it.

The tribe might protect itself by proclamation against an unworthy occupier of tribe land, and was guarded by law from any liability in consequence of the acts of labourers, cottiers, foster-sons, pupils, or of a son whose father was living, unless such son was supporting his father. The chieftainship of the tribe was an office like that of the president of a republic, and not a matter of absolute private right like that of an hereditary monarch.

Thus, the law prescribes—

"Every head defends its members, if it be a goodly head, of good deeds, of good morals, exempt, affable, and capable. The body of every head is his tribe, for there is no body without a head. The head of every tribe, according to the people, should be the man of the tribe who is most experienced, the most noble, the most wealthy, the wisest, the most learned, the most truly popular, the most powerful to oppose, the most steadfast to sue for profits and to be sued for losses."—(p. 279.)

This law furnishes perhaps some explanation of the prevalence of fosterage, inasmuch as the training which that usage provided was obviously well calculated to develope many of those qualities upon which the selection of the chief ultimately depended. The necessity for the possession of

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Laws of Tenure.

wealth on the part of the chieftain led to another peculiarity in Irish tenure. The chief's claim for rent was contingent on his supplying stock to the occupiers of his land. There were two modes in which he might do this. The stock might be given either in "saerrath" or "daerrath." These words have hitherto been translated, from the analogy of the Feudal Law, "free tenancy" and "base tenancy," and this translation was adopted in the introduction to the first volume of the Senchus Mor; but Dr. O'Donovan, though using the translation in the "Book of Rights," was not satisfied with it, for he observes (p. 41), with respect to the terms "saer tuatha" and "daer tuatha"—

"The relation is not fully explained by the terms of the translation, 'noble tribes' and 'unfree tribes.'"

The more attentively the treatises on the laws of tenure were examined the more forcible did Dr. O'Donovan's objections to such translation appear. It has, therefore, been thought best to preserve the Irish terms, merely adding the general common characteristic of both tenures, viz., the giving of stock by the chieftain; and hence, in this volume the "Cain Saerrath" has been termed the 'Cain'-law of 'saer'-stock tenure, and the "Cain Aigillne" has been explained as relating chiefly to the law of 'daer'-stock tenure.

It is somewhat remarkable that the mediæval writers who have most condemned the Irish laws of tenure have omitted to notice in their description of them this essential characteristic, namely, that the stock was supplied by the chief. In their narrowness of mind they could conceive no stable structure of human society but the modified feudalism which they saw around them, and which they consequently felt bound to advocate without any enlightened or impartial investigation of the system which they condemned.

But it is the circumstance that the chief supplied the stock, and the occupier the labour, which makes the Irish system similar to that called by political economists Metayer tenure —a system which, originally introduced in the states and colonies of Rome, was common in France till the Revolution

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of 1789, and continues to the present hour, in the north of Italy. Prevailing to such an extent in territories subject to Roman jurisdiction, we can readily understand that it received the sanction of St. Patrick, who was the descendant of Roman colonists. We can also understand, without depreciating their capacity, how the Norman chiefs, familiar with it in France, were so ready to adopt it in Ireland, that the most stringent enactments were required to compel their continued observance of the English laws. Laws of Tenure.

In 'saer'-stock tenure the chief gave the stock without requiring any security from the tenant. He gave it in consideration of receiving an annual return for seven years of the value of one-third of the stock given. The chief might claim this return in the form of manual labour at the time of the erection of his 'dun'-fort, or of the reaping of his harvest; or if the chief did not need manual labour, he might require the 'saer'-stock tenant to attend him in a military expedition, and to send a man to do homage to him at the time of the payment of rent.

No member of a tribe could be compelled to take stock in 'saer'-stock tenure from the chief of his tribe. He was, however, obliged to take it from his king, and in this way a wealthy monarch could, by judiciously distributing his stock, secure a valuable force of soldiers in his 'saer'-stock tenants. The tenant might, if he was weary of his tenure, return the stock at any time. If the chief reclaimed the stock, the tenant might offer to take stock on security, that is, on 'daer'-stock tenure, and might claim an addition on that account; and if the chief did not comply, he had then to leave one-third of the stock with the tenant as a penalty for reclaiming it.

The case of a king or chieftain not having sufficient property was met by provisions relating to a man's taking stock from an external chieftain or external king in 'saer'-stock tenure. The office of chief was not necessarily hereditary, and although the possession of property was one of the qualifications for the position, there was no want of respect for hereditary rank, inasmuch as provision is made for the

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Laws of Tenure.

case of an inferior chief whose father was not a chief. On the other hand, the chief of "true family by father and grandfather" was declared entitled to returns "with all noble rights in general."

The only trace of Metayer tenancy which Adam Smith could find in the British Isles in his time (1776) was that of steel bow tenancy in Scotland, a system which has some resemblance to the "saer"-stock tenure, and which may have been introduced by the Irish colonists.

The principal Irish tenure appears to have been the "daer"-stock tenure into which the tenant entered by choice, and in which he was required to give security for the stock received. From this optional nature of the tenure, the law respecting it was called "Cain Aigillne," that is the 'Cain' law of options in tenure. The securities given under this law were called "Giallna"-securities, to distinguish them from the kinsmen sureties. Though this tenure was optional in its commencement, there are provisions for securing its continuance against capricious termination on either side. In 'daer'-stock tenure the stock which the chieftain supplied to the tenant consisted of two parts—one being in proportion to the honor price of the chief—and the other in proportion to the food rent to be received in return; the first was called "seoit turcluidhe," (returnable "seds," *i.e.*, property), and the second "turcrec" (proportionate stock.) The "seds" included such property, as horses and oxen, as were necessary for tillage; and the proportionate stock appears to have been generally given in the form of a certain number of cattle.

A considerable part of the "Cain Aigillne" is occupied with a description of the proportionate stock required for the different food rents. Thus we have three cows prescribed as the stock to be given for a wether with what was called "accompaniments" as rent. Six cows are required to be given as the stock for a food rent consisting of a calf of the value of three sacks of wheat, a salted pig, three sacks of malt, half a sack of wheat, and a handful of rush-light candles; and twenty-four cows are required to be given as stock for a

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food-rent consisting of a cow of prescribed size and fatness, a salted pig also of prescribed size, eight sacks of malt, a sack of wheat, and three handfuls of rush-light candles of prescribed length. Laws of Tenure.

The "Cain Aigillne" contains traces of very careful provisions for guarding against the arbitrary termination by either chief or tenant of 'daer'-stock tenure when once entered into. Thus if the tenant wished to terminate the tenure without the consent of the chief, for the purpose of benefiting himself by taking stock in 'saer'-stock tenure, he had to return the stock and the "seds with double," and to pay double food rent for the year in which he returned them; or if the tenant desired to clear off to another chief, then in addition to double restitution and double rent he had to pay half honor price to the chief.

If the chief sought to determine the tenancy in a case where there was no neglect or disqualification on the part of the tenant, the latter was entitled to retain one-third of the stock and returnable "seds" as compensation for the loss of the rest of the stock, and was not required to pay food rent for that year. If the object of the chief in recalling the stock was to show contempt for the tenant, the tenant was further entitled to retain his honor price, in addition to the third of the stock.

Each party was protected also against the wilful neglect of the other. Thus if the tenant, although able to pay his rent and perform his services, neglected to do so, he had to pay double food rent, to make double restitution of the stock, and to pay 'dire'-fine until it amounted to the honor price of the chief. In the case, however, of the tenant finding himself through poverty unable to pay, if he returned the stock just as he had received it, he was released from all penalty, on the ground that no one should be oppressed for not doing that which, from poverty, he is incapable of doing.

If the tenant was afraid to continue to hold the stock of the chief on account of false judgment or false testimony on the part of the chief, then he was entitled to an immediate

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Laws of Tenure.

settlement, as if the chief was dead; and in such a case the services which the tenant had rendered were counted against the stock so as to diminish the amount which the chief was entitled to receive, whilst in some cases the chief forfeited his right to the stock altogether upon this way of settling the account.

If the chief, through poverty, had to claim back his stock from the tenant for his own support, he was, on the ground of his want of means, exempt from the penalty of a forfeiture of the third of the stock; he lost, however, the food rent of the year in which he recalled the stock.

These provisions show that in 'daer'-stock tenure both chief and tenant were treated as parties entering into a contract on equal terms, and that the rights and duties of both were equally recognised. The principles thus established are in marked contrast to the servile theories of the feudal system, and contain the germs of that reciprocal equality of contract and obligation by which it is sought in modern times to regulate the relations of employer and employed.

In the list of the various food rents mentioned in the Law of Tenure, considerable light is thrown upon the state of agriculture in ancient times. Then, as now, we find cattle occupying the first place in importance, whilst pigs rank before either sheep or horses. The cultivation of wheat is so general that it is referred to as a standard of value; barley is grown for malt, and ale is the beverage most frequently referred to. In the first volume of the Senchus Mor we find that mention is made of all the implements necessary for the cultivation and manufacture of flax, a fact which shows an early predominance of what is still the staple manufacture of Ulster.

In all these things we find a state of affairs not very dissimilar to that which exists at the present day. There are, however in the laws two circumstances—one an omission, and the other a special reference—which mark, in some degree, the date of some of the latest of the commentaries. The first is the absence of all mention of the potato, which was known in Europe in the year 1588, and was introduced into Ireland

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by Sir Walter Raleigh in 1610; the second is the importance attached to the production of honey, as already noticed, to which much attention was given until the introduction of sugar as an article of commerce in the sixteenth century. In the preface to the first volume of the Senchus Mor the date of the Harleian MSS. was fixed at A.D. 1578, and the two circumstances just mentioned are strong though indirect proofs that the manuscripts cannot belong to a later period. Laws of Tenure.

The last subject treated of in this volume is the "Cain Lanamhna," or 'Cain'-Law of Social Connexions. The connexions discussed are eight in number—two relate to land, five to family or quasi-family relations, and one to the law of husband and wife. The two social connexions relating to land are those between a chief and his "Aigillne" or 'daer'-stock tenants, and between the Church and her tenants of ecclesiastical lands. The connexion between the chief and his tenants has been fully explained, but it is a remarkable indication of the intimate and, as it were, family nature of this connexion, as recognised in Irish law, that it is specially enumerated along with the strictly family connexions. Law of Social Connexions.

Some light is thrown in this section upon the manner in which the lands with which the Church in Ireland was endowed at a very early period were managed. The tenants of these were called "Saer-Manaich" and "Daer-Manaich,"—terms implying amongst the tenants of ecclesiastical lands a distinction between 'saer'-stock tenants and 'daer'-stock tenants similar to that which existed amongst the tenants of laymen.

The peculiarity of the connexion between the Church and the tenants of its lands was, that "preaching and offering and requiem for souls were due from the Church to its tenants of ecclesiastical lands, and the receiving of every son for instruction, and of every monk to right repentance." From tenants, on the other hand, there were due to the Church "tithes and first fruits and alms, and full honor price when they were strong in health, and one-third honor price at the time of death." The Church had, too, the same power of

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Law of Social Connexions.

pronouncing "judgment and proof and witness" upon its tenants as was possessed by a chief in respect to his tenants.

In connexion with the controversy as to when the payment of tithes was first made a rule in Ireland, the distinct reference to tithes as a charge upon the tenants of ecclesiastical lands, apart from any direct mention of tithes as a general charge, is interesting, as it is quite possible that tithes would, at the earliest moment, be required from the tenants of ecclesiastical lands before they were demanded from the tenants of laymen; and thus some of the conflicting statements as to the period of their general introduction may be reconciled. But as there are further and more full references to the payment of tithes in the unpublished portions of the laws, it would be premature to do more than indicate the subject here as a matter of interesting investigation.

The family or quasi-family connexions next noticed are five in number—those between a father and daughter, between a daughter and her brother, between a son and his mother, between a foster-son and his foster-mother, and between a tutor and his pupils.

The portion of family law with which this part of the Senchus Mor deals was in the case of the father, his obligation to foster his daughter, to pay the price of her fosterage to the foster-father until she was of marriageable age, and to wed her to a man of equal family. The father was entitled to receive the whole of her first "Coibche"-wedding gift, the two-thirds of her second, the one-third of her third wedding gift, and a proportion in a descending ratio of her "Coibche"-wedding gift, as far as the twenty-first.

The responsibilities which rested upon a brother are next described. They appear to relate to the brother who succeeded the father as heir and head of the family. He incurred the same obligation as his father in respect to his sister, but was entitled to only half the father's share of the first and second "Coibche"-wedding gifts; he was, however, entitled to a proportion of her legacy portion and of her body-fine. The law, moreover, laid him under an obligation to support her in old age, and to assist her in poverty.

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The mother's obligation was to foster her son; and the son's obligation was to aid his mother in poverty, and support her in old age. A daughter was under a similar obligation to her mother, her father, and to the men of her tribe. The foster-mother was bound to carry out her obligation of fosterage, and at its termination to give to her foster-son the gift called the "seds of lawful maintenance." The foster-son was bound to assist his foster-mother in poverty, and to support her in old age. Law of Social Connexions.

The foster-tutor or literary foster-father was bound to instruct his pupil without reserve, to prepare him for his degree, to chastise him without severity, and to feed and clothe him during his pupilage. The foundation of this custom of literary fosterage is traced to the time of "the school of Fenius Forsaidh." The foster-pupil was bound to assist his tutor in poverty, and to support him in his old age. The pupil was also to give him the honor price of the degree for which he prepared him, and all the gains of his art while he was learning it, and the first earnings of his art after he left the house of his tutor.

There was one power common to these connexions. The father, the brother (when head of the family), the mother, the foster-mother, and the literary foster-father, had a certain authority over the daughter, sister, son, foster-son, or foster-pupil respectively, an authority which is described as that of pronouncing "judgment and proof and witness" upon them. The form is qualified in the case of the mother and the foster-mother by the condition that they must be "indifferent" (in the sense of impartial) witnesses, but the full nature and extent of this power is not explained in this part of the law. Whatever it may have been, the chief is declared entitled to exercise it over his 'daer'-stock tenants, and the Church over her tenants of ecclesiastical lands, whether holding by 'daer'-stock or 'saer'-stock tenure. The provisions of the Irish family law do not appear to have any connexion with the ancient Roman law. The Irish law demands for the mother a position equal to that of the father, and there is no trace of the exercise of that arbitrary power which was wielded

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Law of Social Connexions.

by a Roman father over the members of his family, and which in effect reduced them to the condition of mere slaves.

The Irish Law in its provisions that the father and brother should receive a share of the daughters' and sisters' wedding gifts resembles the Hindoo law. The relation of pupil and literary foster-fathers has also its prototype in the same law.

In the reign of King James the First, the Irish law was abrogated, and the obligation of providing for the support of parents was not enforced in Ireland for more than two centuries, until the passing of the Poor Law of 1838. It was, however, cherished amongst the customs of the people, and even the collateral claims of sisters upon the son who inherits the farm on the father's death are at the present day a recognised charge upon the land in districts in which tenant-right prevails. In the remittances of the Irish emigrants, which have been remarked as much greater than those of the emigrants of any other nation, we perceive still existing the same spirit of strong family affection and of mutual obligation and dependence which in early times was promoted and enjoined by this law.

The next branch of the Irish social connexions provided for in the Senchus Mor, is that which existed between husband and wife. This branch included also irregular connexions entered into between men and women. With regard to regular marriages the law, so far as it affects property, recognises three distinct cases.

The first case was, where husband and wife had equal property; the second, where the wife was supported upon the property of the husband; and the third, where the husband was supported upon the property of the wife. In the first of these cases the wife, who was called the wife of equal dignity, was recognised in all respects as equal with her husband, and it was not lawful for either party, except in certain specified cases, to make contracts without the consent of the other.

The exceptional cases were those of contracts tending equally to the welfare of both; such as alliance of co-tillage

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with a lawful tribe when they have not themselves the means of doing the work of ploughing, tilling land, collecting food and house furniture, or alliance for buying stock and other necessaries. Every arrangement with regard to the placing of their children with a friendly foster-father, and every lawful contract which brought mutual comfort and gain into the common habitation was allowable. In order to be lawful, however, such contract should be a fair, conscientious, contract—impartially just—with ready acknowledgment of what was bought, &c. Law of Social Connexions.

At a time when the English law of husband and wife, which has now, for three centuries, been substituted for the Irish law in this country, has been condemned by a Committee of the House of Commons, as unjust towards the wife, and when the most advanced of modern thinkers are trying to devise some plan by which wives may be placed in a position more nearly approaching to equality with the husband, it is interesting to discover in the much despised law of the ancient Irish, the recognition of the principle on which efforts are being made to base our legislation on this subject.

The details of the law need not be dwelt on here, as they are more adapted to the primitive state of society in which it was framed than to the present day. So are also the details with respect to cases of separation, adultery, seduction, abduction, violence, deceit, lunacy, and unequal or irregular connexions.

There is, however, one point worthy of special notice, viz. that by the early Irish law, in cases in which children required protection, they were put under the care of foster-parents. It is somewhat remarkable that after the lapse of so many years, and after the failure of the attempt to rear children on the non-family system in the Charter schools, and on the half-family system of Foundling Hospitals, the true family system corresponding to Irish fosterage should have been revived in modern times by the Protestant Orphan Society of Ireland, adopted by other orphan societies, and finally urged upon the legislature as the

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Law of Social Connexions.

proper mode of providing for orphans, supported by the poor rates. The Act sanctioning this application of the rates, restricts the age at which children can be kept out at nurse to ten years—a restriction somewhat similar to that imposed by the half-family system of the Foundling Hospital; but the fact that the guardians of one of the principal unions in this country have applied to be entrusted with the power of leaving the children with their nurses until the more advanced age of twelve years, is a confirmation by the experience of the present, of the wisdom of the limits for the duration of fosterage which were established and for centuries observed under the rules laid down by the Senchus Mor.

Conclusion.

Although two volumes of the Senchus Mor have now been published, there is still much to be done for the complete elucidation of the ancient Irish laws. The earlier treatise on criminal law contained in the Book of Aicil, and the later treatises on Co-tenancy, Verbal Contracts, Division of Tribes, Paths of Judgment, Taking Possession of Land, &c., &c., all contain matter of deep interest to the statesman, the historian, and the antiquary.

Until the translations of these treatises, which have been made in first draft by Dr. O'Donovan and Professor O'Curry have been published, after revision such as the portions contained in the first and this volume have undergone, it will be impossible to give a complete account of the ancient Irish law system, or to be perfectly certain as to its interpretation. The different parts of a system of laws are so intimately interwoven with each other that each part assumes to a certain extent a knowledge of the rest.

It is, therefore, difficult to form a final opinion of the whole from the parts already published. It is also difficult, in the absence of evidence as to the date of the different glosses and commentaries of the different law schools and jurists, to judge of the adaptation of the special provisions of the law to the changing structure of society in the different portions of the lengthened period during which the laws were in force.

Apart, however, from the details which, living as we do in

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Conclusion.

a totally different age, it is hard for us to appreciate properly, there is some historic evidence as to the general characteristics of the entire system. The only period during which the laws in the Senchus Mor were acknowledged over the whole of Ireland was from the preparation of the code under St. Patrick's auspices in the fifth century until the invasion of the Pagan Danes in the end of the eighth century. The first attack of that people on any part of Ireland is said to have taken place A.D. 792. This period was marked by the rapid extension of learning and civilization in Ireland, as well as by those grand missionary efforts in the cause of Christianity which gained for her so well-merited a renown. So many of the Irish missionaries and ecclesiastics of this period distinguished themselves at home and abroad that in after times Ireland was named the Island of Saints.

After Ireland had suffered for three hundred years from the harassing inroads of the Danes, and after a partial conquest by the Normans had been effected, we find that in all the places where the feudal law of the Normans was brought into competition with the ancient Irish law, there sprang up a desire upon the part of the Irish descendants of the Norman chieftains to adopt the latter; and when we reflect that the tenures and other incidents of the feudal system, which the Irish objected to, have been since abolished, and that the whole relation of landlord and tenant in Ireland has come to rest on contract and not on tenure, we can understand this preference for the Irish laws on the part of the Anglo-Norman colonists—a preference so decided as to require the most stringent statutes of Norman Irish Parliaments to restrain it. We have thus strong contemporary testimony that the Irish laws were to a large extent suitable to the then existing state of Irish society.

The opinions hitherto entertained and generally promulgated of the ancient laws of Ireland have been chiefly derived from interested persons who felt bound to advocate the introduction of the English law. In the controversies on this subject the defects of the Irish laws were mainly noticed,

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Conclusion. while the great principles recognised therein were entirely, overlooked.

But if we are to judge of the Irish laws on the whole and see how far they were adapted to attain that which jurists assert to be the great object of all law, viz., not merely to settle disputes as they arise, but to infuse into the hearts of the people a love of justice, we shall find that the great lawyer who was most influential in the final overthrow of the Irish laws, and who has freely criticised their provisions, has himself furnished the strongest testimony to the extensive and beneficial effect of the ancient laws and judicial system of Ireland upon the character of the Irish race, in those remarkable words with which he concludes his "Discovery of the true causes why Ireland was never entirely subdued and brought under obedience to the Crown of England until the beginning of His Majesty's (King James the First) happy reign." "There is," says Sir John Davis, "no nation of people under the sun that doth love equal and indifferent justice better than the Irish, or will rest better satisfied with the execution thereof, although it be against themselves, so as they may have the protection and benefit of the law when upon just cause they do desire it."

W. Neilson Hancock,
Thaddeus O'Mahony.

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SENCHUS MOR.

PART II.

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SENCHUS MOR.

DO COIMED DLIGTHACH ANNSO.

DISTRESS.

Segur athgabail i ndub aidchib i nduinib dia ditiun; slan cach ditiud; daer cach dicell; coir cach coimedur; dirmach cach dethbere; dligtech cach lerugad; dilmain cach anfot; ainidun cach
C. 2700. necubur; ar fuig fiadu cach nindligi [nad imdic dethbiri iar ndia ocus duine.]

Segur athgabail, .i. adtairgidtur in atgabail ir na dub aidcib da dion ir in dun no a ninut imill. Ditiun, .i. cia fo brirud oc dul ir in dun ocus a tabuirt a mainner. Slan cach, .i. in cert imain. Daer cach dicell, .i. fa conuib ocus gatuide, .i. a facbail amuig cin coimed. Coir cach coimedur, .i. buachuill oca coimed amuig cid a log cid an oidce. Dirmach cach dethbere, .i. slan can cuic feoit in fo uile, ocus tiagait i colainn fiad ceana, act ir in tan ir galar bunuid nama,
C. 2701. .i. galar bunaid no dirdiche de, ni tiagait imurro ainnide [a corp fiaech act atgabail aile] gebur imin cinuid. Dligtech cach lerugad, .i. mainniur dligtech tall in aidce, no finn feoir a lo. Dilmain cach anfot, .i. dilmain lium in tanfoitciur, ce fuaidnuigid mil did fe cele ina cert imain no na mainnir dligtig, .i. cema brigeb doib irin mainnir. Ainidun, .i. cin in fairi tall ma edaingen in dun. Ar fuig fiadu cach nindligi, .i. lain dire ocus let dire ocus trian dire innti do biudud, ocus a dul fein a corp cinuid do fedamuin toicedu, .i. i teacht
C. 2701. a ngreim aitgina gad ni dib mugaigtur ir na [indetbirib so].

Mad imuid facbaitur cin coimed, no muna hairgitur tall
C. 2701 [mad etaingin in] dun, ira dul for greim naitgina do dia mugaidtur, ocus cuic feoit la taoebh. Muna te amuga ir cuic feoit nama. Cach ni ditmus don atgabail, ir einiuclann ocus dire inech frin do fechemuin toicheda. Cad ni imurro na fo

[1] *'Dun'-fort.'* In the Irish law the 'Dun' and 'Lis' are both mentioned as places of protection; but not being synonymous (*vide* p. 51, *infra*), the Irish terms have been retained.

[2] *'Mainner'-pound.* In Irish law there appears to have been more than one species of pound. In the Commentary (p. 51, *infra*), the 'scor'-pound is mentioned in the same passage with the 'mainner'-pound. The 'mainner'-pound is explained in the Gloss. (p. 11, *infra*), to mean the enclosure or habitation of the man by whom the distress was taken, and is distinguished from the 'forus nditin,' or habitation of the chief poet, and 'forus mbreitheamhun,' or habitation of the brehon.

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SENCHUS MOR.

Of the Legal Keeping Here.

DISTRESS is brought on dark nights into forts to protect it; every protection is exempt; every neglect is condemned; every keeping is right; every necessity is blameless; every improvement is lawful; every inadvertency is venial; every wilful neglect is wrong; for fines are sought for every illegality which necessity does not save according to God and man. Distress.

Distress is brought, i.e. the distress is brought in the dark nights, to protect it in the 'dun'-fort[1] or in a place of security. To protect it, i.e. *the motive was to protect it* though it was injured in going to the 'dun'-fort and in bringing it out of the 'mainner'-pound.[2] Every *protection* is exempt, i.e. *provided there was* proper driving. Every neglect is condemned, i.e. *in leaving the cattle exposed* to dogs and thieves, i.e. to leave them outside without a guard. Every keeping is right, i.e. a herdsman should guard them outside both by day and night. Every necessity is blameless; i.e. all this is exempt from the five '*seds*,' and they go for the original debt generally except only where there is original disease, i.e. original disease, or the act of God, in which case, however, they do not go in the original debt, but another distress shall be taken for the debt. Every improvement is lawful, i.e. a lawful 'mainner'-pound within in the night, or good grass in the day. Every inadvertency is venial, i.e. I deem the inadvertency pardonable, though one of the animals may attack the other during proper driving or in the lawful 'mainner'-pound, i.e. though they should be injured in the 'mainner'-pound. *Every wilful neglect is* wrong, i.e. not to have a watch within, if the 'dun'-fort be not strong. For fines are sought for every illegality, &c., i.e. full 'dire'-fine and half 'dire'-fine and one-third 'dire'-fine *are due* for it to the defendant, and *the beasts* themselves go for the original debt to the plaintiff, i.e. whatever of them is thus destroyed without necessity involves the liability of restitution.

If *the distress* be left outside without a guard, or if it be not secured within if the 'dun'-fort be not strong, there is incurred the liability of restitution if it be killed, and five 'seds' besides. If it is not lost it (*the penalty*) is five 'seds' only. Whatever part of the distress is lost *by neglect* there is honor-price and 'dire'-fine *due* for it to

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Distress. dídmurtur ir einiuclunn ocus dire drir bunuid ainnride, ocus aitgin nama do fechemuin toicheda, ocus einiuclunn drir na faiche a cechtar de.

Mar diroiche de ro marbdurtur in adgabail fria naimdin lobta, no mar an aoenur ro meabdutur a corp ir in cert imain no ir in mainner dligtig, cia taimic cintud re dliged fo cetoir cin cu taimicc, ir a ndul a fiachuib in fechemun toicheda.

Mar i naimdin in lobta tancutur na hernuili sin fiu ir i ndul ar son a fiach lobta ocus bunuid fiach dic.

Mara mil dib fein ro fuactnuig re ceile isin cert imain no ir in mainder dligtig, no mad galar bunuid cinnti fria naimdin lobta, ocus taimic cintuch re dliged fo cetoir, a mairt do biudbuid, ocus a fech do fechemuin toicheda.

Muna taimic cintud re dliged fo cetoir, log cuic fet do na martuib do dul a lobad ar cach laithe naicinta, ocus a bunud fiach do ic re fechemuin toicheda.

Mar i naimdin lobta tancutur na hernuili sin fiu, ir i ndul ar son a fiach lobta, ocus a bunud fiach do ic re fechemuin, cenmotha in galar bunuid cinnti a naimdin lobta, uair mara galar bunuid cinnti a naimdin lobta, a mairt do biudbuid, ocus a fech do fechemuin toicheda ocus a fiach lobta.

Mara galar cuntubairtiud ocus taimic cintuch re dliged fo cetoir, let a mairt do biudbuid, ocus let a fiach do fechemuin toicheda. Muna taimic cintud re dliged fo cetoir, log cuic fet do let na mart do dul a lobud ar cach laithe naicinta, ocus let a fiach uadа.

Marа galar cuntabairtiad iar naimdin lobta, let a mairt do
Sic. biudbuid ocus a bunud uile uadа ocus let a fiach lopta.

Mar i naoenur ro meabdutur a corp ir in luat imain, no ir in maindir nindligtig, no ir in cumurg nilceda; no marа faill coimeda, no marа taitur fria naimdin lobta, cuic feoit do

[1] *Forfeiture.* In the margin of the MS. there is added here, "ocus a bunad fiach," (and his original debt.)

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the plaintiff. Whatever part is not lost there is honor-price and 'dire'-fine *due* for it to the original owner, and restitution only to the plaintiff, and honor-price to the owner of the green in either case. DISTRESS.

If the distress has been killed by the act of God before the time of forfeiture, or if the legs have been broken by the animals themselves during the proper driving or in the lawful 'mainner'-pound, whether the debtor has or has not at once submitted to the law, it shall go to liquidate the debt due to the plaintiff.

If it was in the time of forfeiture that these things occurred to them they (*the animals*) shall go for the fine of forfeiture and the original debt shall be paid.

If it was an animal of themselves that attacked another during the proper driving or in the lawful 'mainner'-pound, or if it was an undoubted original disease *that killed them* before the period of forfeiture, and the debtor had submitted to law at once, their flesh *is given* to the defendant, and the debts *due shall be paid* to the plaintiff.

If the debtor has not submitted to the law at once, the value of five 'seds' of the flesh shall become forfeited every natural day, and the original debt shall be paid to the plaintiff.

If these accidents occur to them during the time of forfeiture, they (*the animals*) shall go for the fines of forfeiture, and the original debt shall be paid to the plaintiff, except in the case of undoubted original disease during the time of forfeiture, for if it was a decided original disease *that carried them off* during the time of forfeiture, their beef *is given* to the defendant, and the *original* debt *is paid by him* to the plaintiff, besides the fine for forfeiture.[1]

If it was an uncertain disease *that killed them* and the debtor submitted to the law at once, half their beef *shall be given* to the defendant, and half the debt to the plaintiff. If the debtor has not submitted to the law at once, the value of five 'seds' of half the flesh shall be forfeited every natural day, and half the debt shall be paid by him.

If it was an uncertain disease *that killed them* after the time of forfeiture, half their flesh *shall be given* to the defendant, and the whole of the original *debt* and half the fine for forfeiture.

If their legs were broken by themselves during furious driving, or in an unlawful 'mainner'-pound, or in the intermixture of various cattle; or if it be *a case of* neglect of guarding, or of theft before the time of forfeiture, there are five 'seds' *due* to the kinsman-surety for

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Distress. inbleogain in cach ni dib fin, ocus feoit a comaicinta; ocus lain dirse ocus leth dirse ocus trian dirse ir in taitus.

Nocha nfuil ni do cintuch ir na hernuilib fin acht aitgin, cinmotha in taitus, uair mad eirithe, atait cuic feoit do cintuch ann, ocus lain dirse ocus leth dirse ocus trian dirse; ocus inunn fin ocus mara mil dib fein fo fuachtnuid fe ceile ir in luath imáin, ir fann de do dul fe lar ar fgath aitgina, uair nach e féin ir fer laithe, ocus icuid fe fechtmad im duine, ceithre cuiced i mbuin, ocus leth im each.

Mar é in fechem toicheda fo imer taitus forfru fria naimdib lobtha, ir friach gaiti fair don biudbuid, ocus a fech don fechemuin toicheda.

Mara nech eile fo imid taitus forfru fria naimdib lobtha, eneclann don fechemuin toicheda, ocus dirse ocus eineclann don biudbuid, ocus a fech ó biudbuid do fechemuin toicheda.

Mara neach eile fo imer taitus forfru i naimdib lobtha, a imdenum don biudbuid na feoit no lecfead illobuid .d. acht mar iat tallta ann na feoit no lecfedfum amuigh no a lobud, ir eneclann ocus dirse ocus aitgin do fechemuin toicheda, ocus ni fuil ni do biudbuid.

Mara iat tallta ann na feoit na decatur i lobud, ir eneclann do fechemuin toicheda, ocus dirse ocus aitgin do biudbuid, ocus a fech on biudbuid do fechemuin toicheda.

Mad fo frit ni do na fetuib ar maitin ir in mainnip iar na marbad i naimdib lobtha, ocus ni dechuid in atgabail i lopud uile, ocus do cuaid ní di; acht ma fo menmnuig in fechem toicheda ni airithe don atgabail do dul i lobud do, acht mar do na fetuib ir ler in fechemuin toicheda fo marbad ni and, ir crannchur etarfrud cu fertur in mil dib do frinne in fogail; ir a dul ina leth. Mar ler in biudbuid ir ic do fe fechemuin toicheda.

Cantain eile.

Mar dirdiche de fo marbdertur in atgabail fria naimdib lobtha, no mara naoenur fo muidertur a corp ina cert imain,

every one of these cases, and 'seds' of the same nature; and there is full 'dire'-fine and half 'dire'-fine and one-third 'dire'-fine *due* for the theft. DISTRESS.

There is nothing due to the debtor in these cases but restitution, except for theft, for if it be this, there are five 'seds' *due* to the debtor for it, besides full 'dire'-fine and half 'dire'-fine and one-third 'dire'-fine; and this is the same as the case in which an animal of themselves has attacked another during the furious driving, a part of it falls to the ground by way of restitution, because he himself is not the inflictor of the injury with his own hand,[a] and he shall pay the six-sevenths *of the distress* for a man, the four-fifths for a cow, and one-half for a horse.

[a] Ir. *Man of the hand.*

If it was the plaintiff that stole them before the time of forfeiture, fine for theft shall be due of him to the defendant, and the plaintiff *shall be paid* the debts due to him.

If it was another person that stole them before the time of forfeiture, honor-price *is due* to the plaintiff, and 'dire'-fine and honor-price to the defendant, and the debt *shall be paid* by the defendant to the plaintiff.

If it was another person that stole them after the time of forfeiture has set in, the defendant is to prove such 'seds' of them as he would have allowed to be forfeited, and if it were such 'seds' as he would have allowed to be lost or to become forfeited that were taken, the plaintiff shall have honor-price, 'dire'-fine, and restitution, and the defendant shall have nothing.

If it was the 'seds' that had not become forfeited that were taken *in the theft*, the plaintiff shall have honor-price, and the defendant shall have 'dire'-fine and restitution, and the debt *shall be paid* by the defendant to the plaintiff.

If one of the 'seds' be found killed on the next morning in the 'mainner'-pound in the time of forfeiture, and all the distress had not become forfeited, but some of it had; if the plaintiff has observed that a particular portion of the distress had become forfeited to him, and if *it is suspected that* one of the 'seds' belonging to him *thus by forfeiture* has killed any beast, lots are to be cast between them to know if it was one of them that has done the injury; it (*the beast on which the lot falls*) goes for its crime. If *it has fallen on a beast* belonging to the defendant he shall pay for it to the plaintiff.

Another version:—

If it is the act of God that has killed the distress before the time of forfeiture, or if the legs *of the cattle taken in distress* were broken

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Distress. no ina maiṁniṙ dliġtiġ; ocuṙ tainic biuḋbuiḋ ṙe dliġeḋ ṙo cetoiṙ, iṙ a noul aṙ ṙon a ṙiach do ṙeċiumuin toicheḋa.

Maṙ i naimṙiṙ loḃṫa tancutuṙ na heṙnuile ṙin ṙiu, no ciḋ ṙia naimṙiṙ loḃṫa, muna tainic biuḋbuiḋ ṙe dliġeḋ cu tainic ṙia naimṙiṙ loḃṫa, iṙ a noul aṙ ṙon a ṙiaċ loḃṫa, ocuṙ bunuḋ ṙiaċ do ic ṙe ṙechemuin toicheḋa. No ḋono, maṙ i naimṙiṙ loḃṫa tancutuṙ na heṙnuile ṙeo ṙiu, cin cu tainic biuḋbuiḋ ṙe dliġeḋ co tanic iaṙ naimṙiṙ loḃṫa, iṙ i noul aṙ ṙon a ṙiach amuil ṫet in ġeall ocuṙ biṙoiche ḋe ḋa taṙṙaċtuin.

Maṙa ġaluṙ bunuiḋ ṙo maṙḃuṙtuṙ in aċġabail ṙia naimṙiṙ loḃṫa, no maṙa mil biḋ ṙein ṙo ṙuaċtnuiġ ṙe ceile ina ceṙt imain no ina maiṁniṙ dliġtiġ, ocuṙ tainic biuḋbuiḋ ne dliġeḋ ṙo cetoiṙ, iṙ a maṙt do biuḋbuiḋ, ocuṙ a ṙeċ do ṙeċemuin toicheḋa.

Maṙ iaṙ naimṙiṙ loḃṫa tancutuṙ na heṙnuile ṙeo ṙiu, cinmoṫa in ġaluṙ bunuiḋ, no ciḋ ṙe naimṙiṙ loḃṫa tancutuṙ ṙiu, muna tainic biuḋbuiḋ ṙe dliġeḋ cu tainic iaṙ naimṙiṙ loḃṫa, iṙ a noul aṙ ṙon a ṙiaċ loḃṫa, ocuṙ loġ cuic ṙet do maṙtuiḃ do ḋul a loḃaḋ aṙ caċ laiṫe aicinta, ocuṙ a bunuḋ ṙiaċ ḋic ṙe ṙechtum toicheḋa.

Maṙa ġaluṙ bunuiḋ ṙo maṙḃuṙtuṙ in aċġabail ṙia noul a loḃaḋ, a maṙt do biuḋbuiḋ ocuṙ a ṙeċ .i. a bunaḋ ṙiaċ, uaḋ do ṙechemuin toicheḋa, ocuṙ a ṙiaċ loḃṫa.

Maṙa ġaluṙ cuntaḃuṙtuċ ṙo maṙḃ in aċġabail ṙia naimṙiṙ loḃṫa, ocuṙ tainic biuḋbuiḋ ṙe dliġeḋ ṙo cetoiṙ, iṙ leṫ a maiṙt do biuḋbuiḋ, ocuṙ leṫ a ṙiaċ do ṙechemuin toicheḋa.

Maṙ ṙia naimṙiṙ loḃṫa tainic ṙiu, ocuṙ ni tainic biuḋbuiḋ ṙe dliġeḋ co tainic iaṙ naimṙiṙ loḃṫa, iṙ a noulṙum aṙ ṙon a ṙiach loḃṫa, ocuṙ a bunuḋ ṙiach ḋic ṙeṙ in ṙechtumuin toicheḋa, ocuṙ loġ cuic ṙet do leṫ na maṙt do ḋul a loḃuḋ aṙ ġaċ laiṫe naicinta.

Maṙ iaṙ naimṙiṙ loḃṫa tainic in ġaluṙ cuntaḃuṙtuċ ṙeṙ in aċġabail, a bunuḋ ṙiach uile ḋic ṙeṙin ṙechumuin toicheḋa, ocuṙ leṫ a ṙiach loḃṫa.

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during proper driving *of them*, or in the lawful 'mainner'-pound, and the defendant has submitted to law at once, they (*the injured cattle*) shall go for the debt to the plaintiff. Distress.

Even if these accidents occurred to them in the time of forfeiture, or though *they occurred* before the time of forfeiture, unless the defendant had submitted to law before the time of forfeiture had arrived, they shall go for the debt of forfeiture, and the original debt shall be paid to the plaintiff. Or indeed, if these casualties occurred to them in the time of forfeiture, and the defendant did not submit to law until after the arrival of the time of forfeiture, they shall go in *discharge of* the debt just as the pledge goeth which is overtaken by the act of God.

If an original disease has killed the *cattle taken in* distress before the time of forfeiture, or if one of themselves has attacked the other during proper driving or in the lawful 'mainner'-pound, and that the defendant had submitted to the law at once, the beef is *given* to the defendant, and the debt *paid* to the plaintiff.

If *any of* these accidents occurred to them after the time of forfeiture, with the exception of the original disease, or though they may have occurred to them before the time of forfeiture, if the defendant had not submitted to law till after the time of forfeiture, they shall go in *discharge of* the debt for forfeiture, and the value of five 'seds' in beef shall become forfeited every natural day, and the original debt shall be paid to the plaintiff.

If an original disease had killed the *cattle taken in* distress before it became forfeited, the beef *shall be given* to the defendant and he shall pay the debt, i.e. the original debt, and the fine for *allowing* forfeiture to the plaintiff.

If it be an uncertain disease that had killed the *cattle taken in* distress before the time of forfeiture, and the defendant submitted to law at once, half the beef is *given* to the defendant, and half the debt to the plaintiff.

If it (*the disease*) came upon them before the time of forfeiture, and the defendant did not submit to law until after the time of forfeiture, they shall go for the fine of forfeiture, and the original debt shall be paid to the plaintiff, and the value of five 'seds' of half the beef shall become forfeited every natural day.

If it is after the time of forfeiture the uncertain disease has come upon the *cattle taken in* distress, all the original debt due to the plaintiff shall be paid to him, as well as half the fine for *allowing* forfeiture.

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Distress.

Mar in aenur ro muigriut a cora ina luach imain, no ina mainnir innoligtig, no mara cumurg nilceadra, no mar raill imdoimeda; no mara taitiur, cinmoda lan dire ocus let dire ocus trian dire ir in taitiur ria naimrir lobta, cin cu tainic briburd re dliged co tainic iar naimrir lobta, can ni don adgabail o rin amach do dul a lobud, ocus aitgin commaith daigiuc on fechemuin toicheda, ocus cuic fet dinbleogain in gaé ni dib rin, ocus noca nguil do cintach act aitgin inech ro loited do adgabail, cinmoda in taitiur; uair ma erride, ir cuic feoit ann cid o cintuch cid o inbleogain, ocus lan dire, ocus let dire, ocus trian dire, ocus lan einechunn. Ocus ir inunn rin ocus mil dib fein do fuachtugad re ceile ina luach imain, no ina maindir innoligtig; act rann de do dul re lar ar tgat aitgina, uair nach é féin ir fer laime, ocus icuid fé fechtmud im duine, ocus ceithre cuiced i mboin, ocus let im each.

Ra ferius fecht faitche frir in [athgabail] cach cin co fer faitche la feine.

Ra ferius, .i. cu raib a fir agat na fecht faitche fer i mberus in adgabail gabus im in cinuig cu foledunn fiachu do fer in féinechus. Cach cin co fer faitche, .i. mech orir na faitche, ocus aitgin a feoir. Faitche na fecht ngrad tuaithe, fo bid ir in faitche do berus in adgabail; ocus atait tri forus in gaé faitce do na hid faitcib rin, amuil ir beir in leabur rir, .i. faitche ainm cach ae.—S.D.

Feaguir forus; ni fuil act tri forus ann; forus nacra, forus ndoitin, forus mbreitheamhun.

Feaguir forus, .i. attairgithir arus eile ann, .i. trege ir lia ina fecht ai. Act tri forus ann, .i. act tri arus ano. Forus nacra, .i. mainnes, .i. arus in fir uil ag in acra fechemun toicheda, .i. frir i ngaibter adgabala. Forus ndoitin, .i. arus in ollamun filid, .i. dun, .i. i ndoithigter na cuic feoit deginacha. Forus mbreithamhun, .i. arus in breithemun, .i. teg in aro ollaman.

[1] *Greens.* Vide *Senchus Mor*, vol. i., p. 293.

[2] *The Feini.* Vide *Senchus Mor*, vol. i., p. 32.

[3] *Green.* From this it would appear that every chieftain had an enclosed field or green, attached to which were three enclosures for lodging the cattle taken as distress. They grazed the field by day, and were sheltered in the houses at night or during inclement weather.

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DISTRESS.

If their feet were broken in driving them furiously, or in an unlawful 'mainner'-pound, or if it be *a case of* intermixture of various cattle, or neglect of guarding; or if theft *has taken place* (except full 'dire'-fine, and half 'dire'-fine, and third 'dire'-fine *be paid* for the theft) before the time of forfeiture, even if the defendant did not submit to the law until after the arrival of the time of forfeiture, no part of the distress shall thenceforth become forfeited, and full restitution shall be made by the plaintiff, and five 'seds' *shall be given* to the kinsman-surety for each of these cases, and the debtor *himself* shall get nothing but restitution for the part of the distress which was destroyed, except for the theft; for if this *has taken place there is a fine of* five 'seds' for it whether *the distress had been taken* from the debtor or the kinsman-surety, and full 'dire'-fine, and half 'dire'-fine, and third 'dire'-fine, and full honor-price. And the case is similar when one of the animals has hurt another during furious driving, or in an unlawful 'mainner'-pound; except that a part of it falls to the ground by way of restitution, because he himself is not the inflictor of the injury with his own hand,[a] and he shall pay the six-sevenths *of the distress* for a human being, the four-fifths for a cow, and the half for a horse.

[a] Ir. *Man of the hand.*

Thou shouldst know the seven greens[1] for the distress at which every debt is *demanded until it is paid*, with the grass of the green, according to the Feini.[2]

Thou shouldst know, i.e. that thou mayest know the seven greens nto which is brought the distress which is taken for the debt until it satisfies the debts according to the Feinechus *Law*. Every debt, with the grass of the green, i.e. the sacks are given to the owner of the green, and compensation for his grass. Each of the seven grades of the laity has *necessarily* a green, because it is into a green *of those* the distress is carried; and there are three enclosures in each green[3] of these, as the book states below, i.e. a green is the name of each.—S.D.

Let the 'forus'-pounds be considered; there are but three 'forus'-pounds—the 'forus'-pound for pleading, the 'forus'-pound for protecting, the 'forus'-pound of the brehon.

Let the 'forus'-pounds be considered, i.e. other habitations are recognised, i.e. three besides the seven. But three 'forus'-pounds, i.e. but three habitations. The 'forus'-pound for pleading, i.e. a 'mainner'-pound, i.e. the habitation belonging to the man who is suing for the plaintiff, i.e. by whom distress is taken. The 'forus'-pound for protecting, i.e. the habitation belonging to the chief poet, i.e. the 'dun'-fort, i.e. in which the last five 'seds' *remaining unforfeited of the distress* are protected. The 'forus'-pound of the brehon, i.e. the habitation belonging to the brehon, i.e. the house of the chief Ollamh.

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Distress. Bριτ̇υρ α ραιτ̇cιb ριρ ρυιgill. In gραιό cingiur cach ιρ é lín meo miac mereamnuigter [ina] raitce.

Bριτ̇υρ α ραιτ̇cιb, .ι. ριρεnuigter ρuigell uime ona péniб. Cρ α raitce corimuige miach cach airеaćar arou. In graió, .ι. ireó ṡilar in raitce inguir, .ι. oo nitcher ní oo fecheamnur ocur oo breithemnur ann, .ι. fri breitheamnaćt fuirre.

Ireó in cetna forur in raitce, in tanuigte in oun, α trear in teach, .ι. in timuo oo graóuiб ćeimniġ̇ćur ig gabail na haċgabala, .ι. oo foxlu triar oo ceaċrur, curub é in timuo
C. 2703. ṡin oinuouiб i curiċur [in miaċ] meirеiṁnuigter aige na raitce fri hurnuige aċgabala inn.—S.b. .ι. no in lin oo graóuiб i ceimniġ̇niu cach oib ro, ιr e α lin oinuouiб i curiċur in miach mereamnuiġ̇ur oo ber ina ṡaitce oc urnuige aċgabala. Inao meć oc in ogairiġ̇, ocur inuo reċt miaċ ag in aire foirgill. Tir cumuile og na ogairеaćuiб ocur tir cumuile o' imarcuiб ag gaċ graó o ta sin co riġ̇ tuaite; ocur tir reċt cumuile aige ré α reor, ocur eg gaċ grao reċta ιr airde inár fri hurnuige aċgabala i méc na raitce rer i mberur aċgabail inbleogain.

Raitce ingiur in uichir.

.ι. Doclan .ι. oo galur, ocur cuic reoit uaó munub ramluiб ro ber in leth berur in aċgabail, .ι. raitce ina ingiur in mil
C. 2704. bir i ninde uichir, in galur, don mil slan [daċgabail inbleogain ocur oo mil erlan daċgabail cintaiġ̇.]

Mintire; comimnull tuaithe; tealluigiб reanaiṫre cinmotha nua neime ro nuairliġ̇ćur feine.

Mintire, .ι. curub tir echim. .ι. narub coicrich, .ι. curur inneall é isin tuait meodun na tuaite, no ar na bet foġlaóa no cennaiġ̇. Teal-

[1] *Green of separation*, i.e. fit to separate the sound cattle from the unsound.

[2] '*Tir cumhaile.*' This represents a portion of land, the exact extent of which is not here explained. From O'D. 144. it would appear to have been 576 yards long and 288 yards broad.

[3] *Septenary grades.* Vide *Senchus Mor*, vol. i., p. 96 (u).

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It is brought into the greens of the man of judgment. The *number of* grades that each person advances entitles him to a similar number of sacks for his green. DISTRESS.

It is brought into the greens, i.e. just judgment is passed concerning it by the Feini. For his green, each ascending grade increases by one sack. The grades, i.e. it is he that owns the green of separation,[1] i.e. some of the pleading and of the passing of judgment is done there, i.e. to pass judgment upon it.

The first 'forus'-pound is the green, the second the 'dun'-fort, the third the house, i.e. the number of grades which advances for taking the distress, i.e. three carry it out to four, the same is the number of places in which are put *the sacks* which are adjudged that he should have for his green to detain the distress therein—*S.B.*, i.e. or the number of grades which each of these advances over the same is the number of places in which is put the sack which is adjudged to be due to him for his green for detaining a distress. The 'Og-aire'-chief has the place of one sack, and the 'Aire-forgill'-chief has the place of seven sacks. The 'Og-aire'-chiefs possess a 'tir-cumhaile'[2] *of land*, and every grade from that up to the king of a territory has respectively a 'tir-cumhaile' *of land* in excess over each preceding one; and he possesses seven 'tir-cumhailes' *of land*, as does every one of the Septenary grades[3] of higher dignity than he, to detain distress by the size of the green into which the distress of the kinsman-surety is brought.

A green of separation for the sick.

A green in which the sound cattle can be separated, i.e. *from* the unsound, i.e. from the diseased, and he (*the plaintiff*) shall pay *a fine of* five 'seds' unless the place to which the distress is brought is so, i.e. a green in which may be separated the beast which is in the middle of disease, *i.e.* sickness, from the healthy beast of the distress of the kinsman-surety or the sick beast of the distress of the debtor.

A level land; a central territory; the possessions of ancestors, excepting new dignitaries ennobled by the Feini.

A level land, i.e. it should be arable land. *A central territory*, i.e. that it be not on the border, i.e. that it be central in the territory, in the middle of the

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Distress. Luigib feanaitire, .i. cuṅub teallach atur no fenatar, ocus naṅub tir dibuid. Cinmotha nua neime, .i. ri ocus file teacmuig oc neoc na bi gnat. In eime nua cin cub tir atar no feanatar; no cinmotha ini nua do beir for uairliugu ar, ineime bir ege ina faitte. Tir noibuid in doer ele no fearunn ceannuig, uair nocha dleguir in adgabail do breit inntibride, .i. no ma for tir ele.

Sic.

Ireo dleagur mintire, ocus comminell tuaithe, ocus teallach feanaithe, ocus finn feoir, ocus farc fritherlicht, ocus farc in threar breithir, ocus farc cin anad etir dadgabail inbleoguin; ocus cuic feoit dinbleoguin i fechmullad cach nech dib, ocus nocha nfuil ni do chintuc.

Ireo ir farc fritherlicht ann, a breit inunn in conuir tuccad amach in adgabail, ocus ir ann ata fmacht ar in fechemuin toicheda in tan tainic inbleoguin fecha do fuarlucud a adgabala; ocus muna tainig, nocha nicthar ni fer cin co fairg fritherlechta no cin cu fairg in threar breithir, .i. curub i threar briathur a dera dall faxul na hadgabala, no cuma iat tri briathra fairc cin forur fechemun.

Nach coimded bear mo log nech adgair fri hinbleoguin.

Nach coimded, .i. ni cumann, no na trialla, .i. aitgin a fiach nama, no ir aitgina cona diabluid. Adgair fri hinbleoguin, .i. na camaimfided no na cotaimfiged ni ir mo na log ineich aga mbia fe agra for cintuch do gabail in adgabail do inbleoguin, ocus gebuid a ledgabail diabulta i nadgabail aile de, .i. na comaimfiged do gabail dinbleoguin ni ir mo na log ined do aicenud ar cintuch, .i. ma luga in cin, .i. aitgin ined fo dlecht do cintuch iar nelo ireo gabur do fine cintuig, ceart aitgina imurro don fiait ined fonar fuirire, cia fo eloid in biudbuid in fechium naile, .i. cid fri faithe ned eile.

Gaibid co diabul ar fer cinuid, arur diabluid fri helo. Ni agarur nach cintuch acht do roith log fiach adroilliter; ir de ata, do buing agru erice.

Gaibid co diabul, .i. gabur aoen adgabail imin aitgin cuna diablaid don fir do finne in cinuig, iar nelo, uair diablaid cintuig ir i adgabail

[1] *Notice along the track.* For the different kinds of notice, vid. '*Senchus Mor*,' vol. i., pp. 105, 269, 289, 303.

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territory, or where there are no robbers or buyers. Possessions of ancestors, i.e. that it be the possession of a father or grandfather, and not a land left as a legacy. Except new dignitaries, i.e. a king and a poet that one happens to have whom he has not had always. The new dignitary *is excepted*, although *he does* not *inherit* the land of his father or grandfather; or except the new thing which ennobles the dignitary, *i.e. cattle* which he has in his green. *But not so* the legacy land of the 'daer'-stock tenant, or purchased land, for it is not lawful to bring the distress into these, i.e. or if upon other land. DISTRESS.

The distress of the kinsman-surety is entitled to level land, a central territory, the possession of ancestors, good grass, notice along the track,[1] notice by the third word, and notice without stay; and there is *a fine of* five 'seds' to the kinsman-surety for the neglect of any of these, but nothing to the debtor.

Notice along the track means to bring the notice over by the same way along which the distress had been brought out, and the plaintiff shall be subject to 'smacht'-fine when the kinsman-surety had passed him by to redeem his distress, *without meeting him face to face;* and if he has not, nothing shall be paid to him, though it be not a notice by the track or a notice of the third word, i.e. that it be the third word he shall say within (*at the defendant's house*) that the distress was taken, or that they be the three words of the notice at the residence of the party to the suit.

No one can seize more than the value of the thing he seeks from the kinsman-surety.

No one can seize, i.e. he is not capable, or let him not try, i.e. restitution of the debts only, or restitution with its double. He seeks from the kinsman-surety, i.e. let him not proceed to take in distress from the kinsman-surety more than the value of the thing which he demands from the debtor, but he shall take the double half-seizure in another distress, i.e. let him not attempt to take from the kinsman-surety a thing of greater value than that which he claims from the debtor, i.e. if the debt be smaller, i.e. restitution of the thing which was due from the debtor is obtained from the tribe of the debtor after his evading, just restitution is to be made by the surety for the thing for which he went security, even though the defendant has absconded from the other party, i.e. though it be to the green of another person.

He takes it with double from the debtor, for there is double for absconding. The debtor is not sued except for the amount of fines which he has incurred; hence is derived *the maxim*, "suit exacts 'eric'-fine."

He takes it with double, i.e. one distress is taken for the restitution with its double from the man who owed the debt, after his evading, for the double of the

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Distress. inbleogain briathar no gellad. Ni agarar nach cintuch, .i. noca nacarbthar nach cin ar cintuc acht cu roith ar inbleogain. Loigidecht na fiach fo hairelltnigedh do dlegtin do cintuch. O icfar inbleogain iat, cemud ail a nachtu for cintuch ar ahaidhle nocha nicunn, .i. faithe; no nach cin for inbleogain acht in fogaltadh ocus in tarc ocus in tain. Do buing agtha eitc, .i. do buing eitc cintuigh agtha inbleogain, no toibgidhther eitc dit fan achtu borlucuir, .i. dia nachtu ni ir mo ina aitgin icfaidh fiacha inn, no dono toibgedh agtha inbleogain in eitc fo dlecht do cintuch, no ni acuir in fechiumh for in cintuch in aitgin, uair do buing dinbleogain.

Seagair athgabail inbleogain i faithe naifiuch forgill, no ollamhun filidh, no breithemun aird.

Seagair athgabail, .i. adtairgidhther athgabail in inbleogain a faithe an aireach forgill, na cuic feoit dogínucha bis ann cin lobudh, ocus muna be acht cuic feoit ann uile, is a breith re forus no re faithe cu ti aimsir lobtha (.i. combi ann co fearcar), ocus a breith a faithe airigh forgill gurub innti lobur, .i. o tic co tidim iar tocaidhiuth a re is in faithe ber coir ar torach .i. tiagait na cuic feoit dogínucha i lobudh di. No breithemun aird, .i. ite bertha breth fuirri.

Arfeadur in dicinn dithma on tatma co faile fri innfucur in inbleogain, arus innfuic gach inbleogain.

Arfeadur, .i. adairgidhther na cuic feoit dogínucha in arus did fin co ti uide aobul cinniudh a dithma no a tothma, .i. aoen ocus trefir, 7rl. Fri innfucur, .i. ar fir innfucur fri hinbleogain, .i. o thoiochtar ain bothai corai ainuil beti a uide, .i. aein ocus trefir. Arus innfuic, .i. ar ai a denmha do udein, ce gabthar adgabail de uime is ime is coir gach dligedh aoubhumur fomuinn do denum im in adgabail, .i. is in faithe nogínuigh fri tiachtain cintuigh re dligedh; ocus dia ti, tet i naifium aitgina do cuic feoit na hoidhe fin; muna ti on trath co foile ni téit, .i. ini fuc fechium tochetha lair da forus budein; ma fo dithmurthar oca co fuice cuic feoit, bertar na cuic feoit fin fri faithe diudh fo dia tudha fri fiadnuiss cu ngebud a fuarlucudh dia tirta do tabairt dligedh do; ocus muna ti, ni cumuing cina ni dithmur don adgabail do tabairt a gcorpuib fiach, ocus gach ni na dithmunn do neamhtabairt. *Sic.*

[1] *No debt.* In the margin of the MS. the following Gloss occurs, "no nac cin, .i. buden, acht fogelt, .i. aitgin gabala do inbleogain faithe" (or any debt, i.e. the debt itself, but expense of feeding, i.e. restitution of the seizure to the kinsman surety).

Part. This part was equal to his own honor-price.

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debtor is the distress of the kinsman-surety who guarantees or gives his word or promise. The debtor is not sued, i.e. no debt[1] is claimed of a debtor if it has been demanded of the kinsman-surety. The amount of the fines incurred is due by the debtor. When the kinsman-surety pays them, though he (*the plaintiff*) should wish to demand them of the debtor afterwards, he, i.e. the surety, cannot, i.e. or no debt is *due* from the kinsman-surety, except *the expenses for* feeding, notice, and driving. Suit exacts 'eric'-fine, i.e. the suing of the kinsman-surety exacts 'eric'-fine from the debtor, or 'eric'-fine is exacted from thee for false suing, i.e. if thou seek more than restitution thou shalt pay fines for it, or the suing of the kinsman-surety exacts the 'eric'-fine due of the debtor, or the plaintiff does not sue the debtor for the restitution, because he had taken it from the kinsman-surety.

The distress of the kinsman-surety is brought into the green of an 'Aire-forgill'-chief, or of an 'Ollamh'-poet, or of a high judge.

The distress is brought: The distress of the kinsman-surety is brought into the green of the 'Aire-forgill'-chief, *i.e.* the five last 'seds' which remain *of the distress* without being forfeited, and if there be but five 'seds' in it (*the distress*) altogether, they are to be brought to an enclosure or to a green *to be detained there* until the period of forfeiture arrives, (they remain there until the evening,) and are *then* removed to the green of the 'Aire-forgill'-chief, where it (*the distress*) becomes forfeited, i.e. when it comes to delay in pound after spending the *proper* time in the proper green at first, i.e. the five last 'seds' of it become forfeited. Or of a high judge, i.e. it is he that will pass judgment upon it.

What remains unforfeited *of the distress* from one period of forfeiture to another may be carried *to a 'forus'-pound* through consideration for the kinsman-surety, for every kinsman-surety is entitled to consideration.

May be carried, i.e. the five last 'seds' may be brought to one of these habitations until the period of the determination of its total forfeiture or failing has arrived, i.e. one day, and three days, &c. Through consideration for, i.e. for observing fairness to the kinsman-surety, i.e. to allow him additional time on account of his liability, i.e. one day and three days. Is entitled to consideration, i.e. for the sake of proof by himself, for though distress is taken from him *for his guarantee* it is right to observe *for him* every law which we have mentioned before respecting the distress, i.e. in the last green for the debtor's submitting to law; and if he does *submit*, the five 'seds' of that night shall go into his account for restitution; if he does not within twenty-four hours, it shall not, i.e. that part[2] *of the distress* which the plaintiff carried with him to his own enclosure; if it lessens *by forfeiture*, while in his keeping, down to five 'seds,' these five 'seds' shall be removed to one of these greens, to show before witnesses that he would accept of a ransom, should they come to offer him law; but if they do not come, he cannot but let the part of the distress which has been forfeited pass as part payment for the original debt, and the part which is not forfeited is not so to pass.

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Distress. Do tuit athgabail [fri cinad a faithche ar fedur in dicinn dítma], ar ni dlegur innracur toxuil, na farc, C. 2706. na forais, na [fogeltа], do atgabail nach cintuig, [acht is C. 2706. lui cert fria fiadnuib innracad]. C. 2706.

Do tuit athgabail, .i. do tuit athgabail on fri is cintuch is in braite a tabuir hi, .i. cae cin mann cin biad i faite in fechemun toicheda, .i. cid a breit a let naile, .i. cin fairg, cin forus, cin fogeltа. Ar ni dlegur, .i. triar do cetrur ag toxul, .i. fritirlicet, no in trear breitir, no diar la tert. Forais, .i. do na fect forfid, no cin cumurg nil-écta, .i. cid crinn in cumunn, .i. cid bunuch, .i. finn feois, .i. do cach cintuch im atgabail aite no ada, uair noca necin do neoc duine imaroen fris ag gabail atgabala cintuig mar eol do buden a gabail, ocus a breit re forus fein uile a cetois, cid bec cid mór in atgabail, ocus a bet ann re re nitma ocus re re lobta, cu nnec a lobud uile.

C. 2442. [Fir na bi faor neach ara cina fadeirin ara catad, na faoire, na faogath, na fogham, na fotugad, na fuirrirug, na ditin nemed na uaral; acht is lui cert fria fiadnuib, inge ana datgabail iar faire caich ar a mberar, act turbaid decbiri fo fuirit antа gach coir a coimrlecta feine a fir breit iar cubus ocus aigne. .i. ni ditnebad do grer a faire nach uairle gin atgabail do gabail de, act ditnebad fri re na faire, dia ndath feichem toicheda dligted don ti is a faire fil for biuba. Iarndain tainic in traoire funn, is aire na didnann, act fotaid a hana umorro, cid iarndain ti in faogath.

Log ened datgabail inbleogain fo éaoill, ocus cuic feoit.

Iar fir faoire sin, ocus ma gin fir faoire, is log enech nama fo caoill datgabail inbleogain, ocus a fuil for log ened ann for ana aigintа an treoit.

[1] '*Saire*'-*privileges*. Free-quarters, i.e. eating, drinking, lodging, protection, &c. 'Saire' is sometimes used for the exemption connected with the enforcement of 'saire'-privileges.

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The distress of the debtor is forfeited in the green where it is kept until its forfeiture is determined, for the same strictness as to seizure, or notice, or 'forus'-pound, or grazing, is not due in the case of the distress of the debtor *as in that of the kinsman*, but proper proof before worthy witnesses *is required.* DISTRESS.

The distress is forfeited, i.e. the distress is forfeited from the man who incurred the debt in the green into which it is brought, i.e. *on the* way without fodder or food into the green of the plaintiff, i.e. without bringing it elsewhere, i.e. without notice, without an enclosure, without feeding. Is not due, i.e. *the following conditions are not required*, three carrying it out to four persons, i.e. *notice* along the track, or of the third word, or two persons for witness. 'Forus'-pound, i.e. one of the seven 'forus'-pounds, or without the intermixture of various cattle, i.e. though the 'cumunn'-grass be withered, i.e. though it be 'bunuch'-grass, i.e. good grass, i.e. for every debtor for the quick or lawful seizure, for a person is not obliged to have any other along with him in taking the distress of the debtor if he knows how to take it himself, and he may carry it all into his own 'forus'-pound at first, whether the distress be small or large, and detain it there during the period of delay in pound and the period of forfeiture, until it is all forfeited.

It is true that no one is exempt from his own liability on account of his dignity, or 'saire'-privileges,[1] or protection, or service, or support, or refection, or sheltering of dignitaries or nobles; but just proof on oath before witnesses *is required*, except as regards the delay of the distress according to the 'saire'-exemption of all to whom it is given, except exemptions of necessity, which extend the periods of stay properly in the rules of the Feini by true judgment according to conscience and nature. That is, his dignity or nobility will never protect a man from being distrained, but it will protect him during the period of the 'saire'-exemption, if the plaintiff cede law to the person whose 'saire'-privileges are upon the defendant. Afterwards the 'saire'-exemption came in this case, which is the reason that it does not protect, but it extends, however, its stay, even though the protection came afterwards.

The amount of honor-price of the distress of the kinsman is set free,[a] and five 'seds' *besides.*

[a] Ir. *Let into the wood.*

This is after knowledge of the 'saire'-exemption, and if without knowledge of the 'saire'-exemption, it is the amount of honor-price only of the distress of the kinsman that is set free,[b] and that which is for honor-price should have the natural stay of the 'seds.'

[b] Ir. *Let into the wood.*

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Distress. Ocus adeir leabar ní fuil faoisde for ní dia fealbaith itir.

Log eneċ umorro, dadgabail cinta for ana na faoisde iar fir, ocus cuic feoit; ocus ma gin fir faoisde, is log eneċ nama for ana na faisde ocus a fuil for log eneċ ann for ana aiginta an feoit budein.

Log eneċ do grer fo caoill dadgabail cinta ocus inbleogain, acht go fertar faisde fair; ocus a mbia for logeneċ ann for ana na faisde la taob ana aiginta na feot. Ocus mana fertar faisde fair, is ana nama fodaigir.

Araill dib fo is ara nemtrenchus fein, araill aile is ar nemtrenchus an tí aga mbiat, ocus is mann, umorro, a fmaċta, .i. cuic treoit.]

Fir foerumа; forerinuigtur faisde; lan faisde caich dia aitiur, mad uairle in macc.

Fir foerumа, .i. is fir lium cusa maid firfrieċnuigtur in tsaisde fo uairliatuig fir in foermu, .i. in fir frorfagunn cutruma na fainne biur do foerum ar fgaḋ a biḋ, is a cutruma uile ar fgaḋ fodnaḋma; acht muna be taisdesin lainbiaḋa, leḃ imurro ar a fgaḋ friḋe. Lan faisde caich dia aitiur, .i. a lainbiaḋaḋ, ocus a lanfoerum, ocus a lan dam, ocus a leḃeneċlunn, ocus is ar airmidin in mic do berur. Mad uairle in macc, .i. is ann ata foerum dragbail don adair ar a dualgur.

In lanaḋ foermu uil don caċ is a mac a dualgur a lanbiata budein cu fonaidm curuib eaḋ ber don caċ is a haiter a dualgar a lainbiata udein co fonaidm. Ar ercuidtur don aduir fin cu

[1] *And a book.* The Irish of this sentence is found on the upper margin of the right hand column of p. 36 of the original MS., viz., Egerton 88, in the British Museum.

[2] *True protection.* It is stated in Egerton 88, 36 a, b, C. 2444, that every one is entitled to protection, food, and attendance according to his dignity, and it is added: "one day *of food and protection* to the 'fer midhbaidh,' two days to the 'og-aire' chief, three days to the 'bo-aire' chief, five days to the 'aire-desa' chief, ten days to the 'aire-tuisi' chief, fifteen days to the 'aire-ard' chief, twenty days to the 'aire-forgaill' chief, a month to the king of law."

[3] *Free-quarters.* See note on page 18, *supra*.

[4] *Protection.* foerann. This is defined in C. 1386, to be protection after leaving the house, the protection in the house being called 'comairce.'

[5] *Condiment.* Fonaidm, i.e. obsonium, lainbiathad co fonaidm, (full food with fonaidm) is explained in C. 1278; full food with ale or fleshmeat or both; fonaidm there is the same as the Latin *obsonium*. It is written fornaidm in H. 3, 17, col. 128–9.

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And a book[1] says there is no 'saire'-exemption upon any of his (*the kinsman's*) possessions at all.

But honor-price of the distress of the debtor shall have the stay *allowed in the case* of the 'saire'-exemption after knowledge, and five 'seds' *besides;* and if without knowledge of the 'saire'-exemption, it is honor-price alone upon the stay of the 'saire'-exemption, and whatever is for honor-price in the case is upon the natural stay of the 'sed' itself.

Honor-price of the distress of the debtor and the kinsman-surety is always set free, but so as it is known that there is a 'saire'-exemption upon it; and what shall be for honor-price shall have the stay of the 'saire'-exemption besides the natural stay of the 'seds.' And if it be not known that there is 'saire'-exemption upon it, it is the stay alone that it extends.

Some of these 'seds' are treated according to their own dignity, others according to the dignity of the person who has them, and their 'smacht'-fines are equal, i.e. five 'seds.'

True protection:[2] free-quarters[3] are graduated; the full free-quarters of every *son are given* to his father, if the son be nobler.

True protection, i.e. I hold it true that the free-quarters are well graduated according to the nobleness of the protector, i.e. of a man who relinquishes a part of the share of protection in lieu of his food, and the entire of it for the sake of condiment; but if full food is not offered, it is half protection that shall be in lieu of it. The full free-quarters of every *son* to his father, i.e. his full food and full protection and his full party (*his suite*), and half his honor-price, and it is out of respect for the son these are given. If the son be nobler, i.e. it is then protection is obtained for the father in right of him.

The full protection[4] which every son enjoys in right of his own full food with condiment[5] is *allowed* to the father in right of his own full food[6] with condiment. This is an exception to the father, in

[6] *Full food.* The 'biathadh' was the bread or food which any person received on his travels, or coshering visitations; 'fonaidhm,' or 'fosnaidhm,' which is probably cognate with the Latin *obsonium*, was all fleshmeat or anything else used as condiment, 'annlann,' or kitchen, along with the bread. Besides food and *obsonium* he was also entitled to sanctuary, or 'comairce,' while in the house, and to 'foesamh' or personal protection, after leaving the house. This protection might be diminished or increased by relinquishing any portion of the food or *obsonium*, or claiming more. In this way one might eat or drink out all his protection. The protection was valued at the same amount as the food and condiment. If he ate and drank nothing he had full protection as long as he remained in the house, and until he arrived safe at the next house, in which he was entitled to similar maintenance and asylum, and life-guard.

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Distress. muo mouite do gebud re biad, cin cu bed acht led biadud a mic do, cumbed lan foerum in mic do fagbail ar a gsad; no in lanud foermu uil don cac ir a mac a dualgus a laimbiata udein co fonaidm no a leithbiadta uodein co fonaidm, cuiruib ed ber don cac ir haduir a dualgus a laimbiatu budein co fonaidm, uair ir munn laimbiadud in adur ocus ledbiatud in mic .o bus a dualgus in mic ber einiuclunn do.

Da trian fairge caich dia maithir i nama gairge.

.i. da trian a biata cu fonaidm tucud di, ocus led einiuclunn, .i. no ditirruide in maithir ina in taithir, ocus da trian foermu in mic fagbus; .i. in cutruma ata for sad da trian biata in mic ised ata ar sad a trian [no a da trian] biata re co fonaidm, uair ir e da trian in lede trian in lain, .i. da trian in foermu uil don cach ir mac a dualgus a laimbiata udein cu fonaidm ised uil don each ir maiter a dualgus a laimbiata udein co fonaidm. Ar erceartur don maiter for cin cu bed acht led einiuclunn in mic di, da trian foerma do fagbail di cumud móite fogabud biad. No dono da trian in foermu uil don cach ir mac a dualgus da trian a laimbiata cin fonaidm ised uil don cach ir maithir a dualgus da trian a laimbiata udein co fonaidm, uair inund da trian a lan foermusi co fonaidm, ocus da trian in led foermu facbus sum cin fonaidm, uair led einiuclunn in mic uil don maithir for amuil ata don adur in tan ir uairle in mac.

C. 2444. [Leat saoire dia primmnai, ocus dia mac fris bi gaire; trian saoire dia mbuime ocus dia ingin, ocus dia mogu manduine; cetramme saoire dia mnai innraic ocus dia mac saincron, acht mac ar lui gaire no fo fit, .i. acht an mac eloidus re gaire, uair ise a lan biata; uair cetramme eneclainne athar uil do mac ingor ocus don sandaig, ocus ir ar gabtar

[1] *Or his half-food with condiment.* The Irish for this is in the margin of the original.

[2] *Honor-price.* Suppose the father was a farmer, and the son an archbishop, then the father would rather take his position in society from the respectability of his son than from his own station.

[3] *Or the two-thirds.* The Irish for this is in the margin of the original.

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order that he might obtain the more food, because he has but half the food of his son, he can leave the full protection of the son in lieu of it; or the full protection which every son enjoys in right of his own full food with condiment, or his half food with condiment,[1] shall be *due* to the father in right of his own full food with condiment, for the full food of the father is equal to the half food of the son when it is in right of his son he has honor-price.[2] DISTRESS

Two-thirds of the free-quarters of every one *is due* to his mother in the rules as to maintenance *of the old.*

That is, two-thirds of his food is given to her with condiment, and half honor-price, i.e. or the mother has less of land than the father, and she relinquishes two-thirds of the protection of the son, i.e. the proportion which is for the two-thirds of the food of the son is for the one-third or the two-thirds[3] of her food with condiment, for two-thirds of the half is equal to one-third of the whole, i.e. two-thirds of the protection which is due to every son in right of his own full food with condiment is what is due to every mother in right of her own full food with condiment. This is also *made* as an exception for the mother, though she has but half the honor-price of her son, she relinquishes two-thirds of his protection that she might get the more food. Or else two-thirds of the protection which every son has in right of two-thirds of his full food without condiment is what is due to each mother in right of two-thirds of her own full food with condiment, for the two-thirds of her full protection with condiment, and two-thirds of half protection which he relinquishes without condiment are equal, for the mother also has half the honor-price of the son as well as the father when the son is nobler *than either.*

Half his free-quarters[4] *is due* to his first wife, and to his son who performs the maintenance; one-third free-quarters to his foster-mother and to his daughter, and to his working-man; one-fourth free-quarters to his wife *so long as* worthy, and to his emancipated son,[5] excepting the son who evades the maintenance or absconds, i.e. excepting the son who absconds from the maintenance *of his father in his old age,* for it is his full food; for the fourth of the honor-price of the father is *due* to the son who does not support his father, and to the 'carthach'-woman, and from this it is derived i.e. the 'dor-

[4] *Free-quarters.* 'Saoire' or 'suire,' i.e. eating, drinking, lodging, protection, &c.

[5] *Emancipated son.* The Irish words mean literally, a son who has property of his own.

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Distress. fin, .i. dorimuine; no mac arlui gairge, cetraime eneclainne doibrided. No fo fid, .i. do ni an fuachtain, .i. an mac fingalach; ocus no ar diultad uil ann, uair noca fuil eneclann do a dualgus adar; ocus noca nuil eneclann na faoram do ara dualgus don mac bir ar fannelo o nathair gin a gairge do denam, .i. an mac faorlergi, ocus da cuicid a lan biata go fonaidm tugad do ann, ocus da cuicid faorma fo fagad ar a fcat, uair inann da cuicid an leithe ocus cuicid in lain, ocus deic mba an lan ann. Cuicid fairge dia dorimaine ocus dia mac faonlad gin a gairge.]

Sic.

Sergad fairge dia fuidir.

.i. do doer ernnuch na nirul, ocus da trian a lanbiata fein tucud do, uair ir inund da trian na ceathruime ocus ferid in lain, ocus da fann déc in lain.

Trian einiucluinne caich dia doer, acht fig, ocus fechtud a einiucluinde fide dia doer; cetheuime einiucluinde gach aoin dia fuigder acht fi, fechtud a einiucluinde fide dia fuidir.

Lan i namur meri ocus let i namur, gri, trian i namur tathuige, ocus in a teaglud biur do grer, ocus beirid a eocha amach. Sechtud do oer tathuigi oilithreana; ini adroillid in fi ar gach aithur diubrum, a lethide ared fo foig cach fer dibrium eriuim no arum.

Seachtmad fairge dia amur urerigi.

.i. do daoer ernunnach na nirul, ocus da trian a lainbiata fein tugad do, uair ir inunn da trian na ceathruime ocus fered in lain, ocus da fann dég in lain.

C. 2446. Lan i namur meri, ocus in gach noicenn [do grer], ocus let
C. 2446.] ina amur comuidecta do grer, trian ina aithur tathuige [chena] co braicell, [ocus ina teglach bir do grer ocus beirid a heoca amach ocus amuich], fechtud ina aithur tathuige cin cined foicle, ocus ina gilla tairtill, ocus let, ocus ceathruime, ocus fered, ocus

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muine'-woman; and the son who evades the maintenance, these are entitled to one fourth of honor-price. Or 'fo-fich,' i.e. who commits violence, i.e. the fratricidal son; or the 'or' is a negative, for there is no honor-price due to him in right of his father; and there is no honor-price or protection due in right of him (*the father*) to the son who absconds from the father so as not to maintain him in his old age, i.e. the emancipated son, and two-fifths of his full food was given to him, and two-fifths of protection he relinquished in place thereof, for two-fifths of the half are equal to one-fifth of the whole, and ten cows are the whole. One-fifth of his free-quarters *is due* to his 'dormuine'-woman and to his son who evades the maintenance. Distress.

One-sixth of free-quarters to his 'fuidhir'-servant.

That is, to the Irish 'daer'-servant of the common people, and the two-thirds of his *master's* own full food were given to him, for two-thirds of the fourth are equal to one-sixth of the whole, *i.e.* two-twelfths of the whole.

One-third of the honor-price of each person is *due* to his 'daer' servant, except *in case of* a king, whose 'daer'-servant has one-seventh of his honor-price; one-fourth of each person's honor-price is due to his 'fuidhir'-servant, except *in case of* a king, the seventh of his honor-price is *due* to his 'fuidhir'-servants.

Full *honor-price* for the butler, and half for the valet, &c., one-third for the groom, who is always in his household, and brings his horses out. One-seventh to frequenters in general; and of what the king is entitled to for *injury done to* each of these, half the same is *due* to each man of these from him.

The seventh of free-quarters to his 'urerghi'-servant.

That is, to the Irish 'daer'-servant of the common people, and two-thirds of his *the master's* own full food were given to him, for two-thirds of the quarter are equal to one-sixth of the whole, or two-twelfths of the whole.

Full honor-price for the butler, and for every 'dichenn'-servant always, and one-half for his valet *who is* always *in attendance*, one-third for his groom with wages also, who is always in his household and brings the horses out and *holds them* outside, one-seventh for his groom without fixed wages, and for his courier, and one-half, and one-fourth, and one-sixth, and one-twenty-fourth are *due* to

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Distress. C. 2446. [ceṫrumad fiadu fichit] doibfium ina neneclann. Ad mbiathad, ocus a fuiri fo neneclann; no is fectmud fairi doib fo uile.

Is i fodail eniucluinne berait na hamuis dia neneclannaib fum. Ad mbiathud ocus a fairi fo neneclann, no is fectmud fairi doib fo uile. Ad gilla glomuir amail a amus leṫe; ocus i fectus maigin digona innso uile. Ocus is lan in gach naoen maigin digona, ocus is lan in gach ndicinn cidbe baile i mbe do grés.

Lan fairi cach fria cunnuimne neiniuchfuice ar a nai fadeisin.

.i. In lanad foesmu do fagaibtis in cuinnium do beis fuice nimdergda fos a éiniuch cuna diachtuin ar a nagaid udein do caitiuim bid feadta fele, .i. biad neineacluinne inn so.

Leath fairi mad fuit notfuidhe neach fri fothug techta.

.i. Let foesum fagbus maga neach aile fuidius uad i neach sin do caitiuim bid céilsine flatha, bid fecta fele dam, .i. biathad a mamud nach aile, .i. in fis is feasis, tet do caitium in bid sin.

In flait so cuisustus na dama do caitium bid celsine ann sin, ocus let foesum na flatha fagbaid sium fos in ti do siad doib in biad, uais let foesum fagbaid ar sgat in bid celsine do gres, ocus a lan foesum fein fagbuit sium ar in flait. Muna tucad in biad do na damaib itir, in cutruma no biad don flait i neamtabuisit in bid do budein cusub ed biar dona damaib ina neamtabuisit doib. No dono cu na hicus ses in flait eisic i neamtabuisit in bid itir, uais so deilig in biad ses in flait; act in cutruma no bia don daim cu diadtuin doib ara nadaig udein, so aicned feadta fele, no gnad lesa, cusub ed bear i neamtabuisit in bid sin doib.

[1] *Food of tenancy.* That is, food given by the tenant as rent.

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them as their honor-price. Their food and their free-quarters *are* according to their honor-price; or all these are entitled to one-seventh of *their master's* free-quarters.

This is the proportion of the honor-price *of their masters* which the servants have as their honor-price. Their food and their free-quarters are according to their honor-price, or the seventh of free-quarters is *due* to all these. His horse-boy is as his 'amus-lethe'-servant; and all this *relates to injuries inflicted upon them* outside a sanctuary. It is full honor-price in every sanctuary, and it is always full honor-price for every 'dichenn'-servant wherever he is.

The full free-quarters of every one for the unbecoming entertainment of their own accord.

That is, the full protection which the entertained party would relinquish who bring a blush of shame into the face *of their host* by coming of their own accord to consume the food of one night's entertainment, i.e. this is the food of honor-price.

Half free-quarters if another person sends one upon lawful entertainment.

That is, he loses one-half of protection if it be another person that sends him to consume the food which is due to the chief from his tenant, *i.e.* the food of one night's entertainment, i.e. the food given to a party *for a night's entertainment* on the authority of another, i.e. of a higher man, they go to consume this food.

The chief has sent the parties to consume the food of tenancy[1] in this case and half the protection of the chief (*which the chief himself would give*) they (*the parties*) relinquish to the person who gave them the food, for it is half the protection they relinquish in lieu of the food of tenancy at all times, and his own full protection they relinquish to the chief. If the food has not been given to the parties at all, the proportion which the chief should have for the non-giving of the food to himself is that which shall be *due* to the parties for the non-giving of it to them. Or indeed *others say* that 'eric'-fine is not paid by the chief at all for the non-supplying of the food, for the food was separated from the chief (*out of his possession*); but the portion which would be due to the party on their coming on their own account, according to the nature of a night's entertainment, or constant dues, shall be *paid* for the non-supplying of the food to them.

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Distress. Biaḋ celṙine na flaṫa ṙin, ocus in flaiṫ ro ċuiṙ a dam feaċta fele da caiṫium; ocus foesum na flaṫa do fagbail ar in cele, ocus a lan foesum do fagbail do na damuiḃ ar in flaiṫ fon aicniuḋ budein, ar ir e tuc biaḋ doib. Ocus ir ann ṙin do gabur in da foesum do fagbail a dualgus in aoen biṙ, ocus muna tucur in biaḋ dona damuib itir, ṙmaċt ann ro aicniuḋ biṙ celṙine na flaṫa dic fes in bṙlaiṫ, ar ir e foesum na flaṫa facbuiṫur ar in celi ann, ocus nocha nṙuil ṙmaċt toiṫinta on flaiṫ dona damuiḃ o ro herbuḋ biaḋ doiḃ, no dono ċeana na beṫ ṙmaċt toiṫinta on ceile don flaiṫ uair do tiṡnuig in biaḋ dona damuiḃ. Ocus cu mbeṫ ḟeċtmuḋ marbṫa, ocus diabliaḋ in biṙ, ocus einiuclann on ċéle do na damuiḃ mario toiċneḋ, uair do dligurtur in biaḋ ro tidnuigurtur in flaith, ocus cu na beṫ ṙmaċt on cele don flaiṫ, uair ro earb a biaḋ do neoċ eile.

Cinmoṫa forcṙuiḋ lina no airbiata.

.1. imurcṙuiḋ daine do ṫiaċtuin do caiṫium in biṙ celṙine, uair nocha liauite in biaḋ, .i. ni tormuig ṙuire cia beṫ forcṙuig ḋaine no uaral biataḋ ann no nocha ṙiauite in foéruṁ, .i. ni tormuig ṙaire forcṙuig ndaine do biaṫuḋ no uṙain biṙ doiḃ, no dono ma diarṙuire indala nae, ocus leṫ ṙuire in aile; no dono maḋ rochuige, ruire deṙi diḃ dó. *Sic.*

Mara lainbiathaḋ cu rodnaidm, ir lan foesum fagaḃur ar a ṙgaṫ. Mara lainbiathaḋ cin fornaidm, no leṫbiaṫuḋ cu foṙnaidm, no taiṙcṙin lainbiathaḋ co fornaidm, ir leṫ foesum fagaḃur ar a ṙgaṫ. Mara ni ir luga ina lainbiathaḋ toitinta do, in tainmṙuinne don biuḋ taiṙciur do cuiṙuiḃ eo in tainmṙuinne ṙin don let foesum fagabur ar a ṙgath mata foesum, ocus muna ṙuil, nocha nṙuil ni ar a ṙgaṫ.

Nir caitheḋ in biaḋ ann ṙin, ocus mo ro caiṫiuḋ, in tainmṙuinne don biuḋ ro caiṫ cuṙub é in tainmṙuinne ṙin don lan foesum fagbur ar a ṙgaṫ, ma ta foṙnaidm; no dono ir leṫ foesum muna ṙuil foṙnaidm, ocus cia no taiṙgṫea ni buḋ mo do

[1] *Another.* The chief had transferred the food and the fines consequent on the non-supplying it to another party.

[2] *If.* In the margin of the MS. here are the words "ṙean leabur mar ṙir ṙen" (an old book if it be true for itself).

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This is the food of tenancy of the chief, and it was the chief that sent his party for a night's entertainment to consume it; and *in this case* the protection of the chief is left on the tenant, and the full protection is left by the parties on the chief according to his own quality, for it was he that gave them food. And here it is found that two protections are relinquished on account of one food, and if the food is not given to the parties at all, 'smacht'-fine shall be paid to the chief for it according to the nature of the food of tenancy of the chief, for the protection of the chief was left on the tenant in this case, and there is no 'smacht'-fine due of the chief to the parties for keeping them fasting as he had ordered food for them, or else there is no 'smacht'-fine for fasting due of the tenant to the chief when he offered the food to the parties. And there would be *a fine equal to* one-seventh of *that for* manslaughter, and double food, and honor-price due of the tenant to the parties if he kept them fasting, for they owned the food which the chief had offered, and there is no 'smacht'-fine due of the tenant to the chief, for he had ordered the food for another.[1] Distress.

Excepting *the case of* excess of number or of noble food.

That is, too many people came to consume the food of tenancy, for the food is not the more plentiful, i.e. the free-quarters does not increase, though there be an excess of people or an excess of noble food, i.e. the protection is not the longer on that account, i.e. it does not increase the free-quarters to feed an excess of people or to give them a part of food, or if it be full free-quarters to the one, and half free-quarters to the other, or if there be many, *still it is only one* free-quarters for them that is *due* from him.

If it be full food with condiment, it is full protection that is relinquished for it. If it be full food without condiment, or half food with condiment, or offering of full food with condiment, it is half protection that is relinquished for it. If it be less than full food that is offered to him, the proportion of the food which is offered to him is the same proportion of the half protection that he relinquishes for it if there be protection, and if there be not, there is nothing in lieu of it.

The food was not consumed in this case, and if it was consumed, the proportion of the food which was consumed is the proportion of the full protection which he relinquishes in lieu of it, if there be condiment; or it is half protection unless there is condiment, or that more food was offered than the quantity consumed; or else

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Distress. biuḋ ann ina in cutruma ro caitheḋ; no ḋono in cutrumu biḋ ro caitheḋ ann ir a foerum aicintu ar a fgach cu na caiḋium, ir a leaṫ ar fgaṫ ma ta fornaiḋm, ocus muna fuil for nocha nfuil ni ar a fgach.

Da trian faifte caich fri aḋ, acṫ ni aga mbiḋ fleḋ techta, no coifte briuguiḋ, og frifoḋuin; foḋuilciur og [faifte] fri hinnfuicc, [leṫ faifte fria haninnfaic.]

C. 2448.
C. 2448.

Da trian faifte caich, .i. bkaḋ ocus fonaiḋm cu taifcefin taififfme; ocus ir fiḋe lar amluiḋ, .i. da trian na faifte famluiġ uili, cuic la ḋec in foofnaiḋma, ocus cuiciḋ in foiġḋe, cuna fiḋe famluiġ, .i. da trian foeruim faġbur cach fri ḋiḃuic biḋ lae ḋo taḃuifte ḋo; da trian a lainbiaṫa co fornaiḋm tucuḋ ḋo, ocus da trian a foeruim faġbur ar a fgach. Acṫ ni aga mbiḋ fleḋ techta, .i. ag a mbiḋ linn oliġteḋ, uair ir fir ḋo cuaiḋ a meanma o ḋo biaḋ linn no feḋil ann na buḋ laġa na lainbiaṫuḋ, .i. in feoil eillgiṫur ir in coifte da briuiṫ, .i. maiġin a mbiḋ cuirm, no caifte for tiniġ, .i. ir og biaṫuġ ḋia mbe fon ann ciḋ fri ḋe ḋo berur, .i. foerum og faofem comflan faġbur fier na hieaḋ fin obur innfuic in lainbiaṫaḋ. [Leṫ faifte fria haninnfaic, .i. leṫ biaṫa co fonaiḋm tucaḋ ḋo ann: leṫ faifte fri tinchar teċta, fri feir, ar teċ, ar tine, ar lefcra, ar ḋefgaḋ, cin biaṫa acṫ nifneoaṫ.]

Leaṫ faifte fri tincur tinfoḋin in biḋ.

.i. a mbiaḋ fein caiṫiur funn, .i. no foerum faġbur fri tineacur nech fo tinfoḋin fo taoeḃ cu dliġṫuch, ocus lainbiaṫuḋ cen fornaiḋm tucuḋ ḋo ann, no leṫ biaṫuḋ cu fornaiḋm, no tairciffin lainbiaṫa co fornuiḋm, .i. feċt la cu leṫ; ocus ir i ceṫrume na faifte uile ḋia mḃe fornaiḋm ir leṫ na fuifte, .i. cuic la ḋec, ḋia mbe fornaiḋm ocus toifciffin lainbiaṫa it teora ceṫrumḟe na faoifte.

Ca haiṫ a braġbuiḋ ḋuine faofum air buḋein, ocus a biaḋ ḋo ċaiṫeḋ ḋo? Ir ano fo on a ninbuiḋ fo failliġeḋ ar in ḋam boḋeffin, no maḋ

[1] *On a previous occasion.* In C. 2448, the reading is 'feċtur aile,' for 'forur eile,' of the text.

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the quantity of food which was consumed shall stand against its natural protection when consumed, and its half in lieu of it *when offered*, if there is condiment, and unless there is condiment there is nothing in lieu of it. DISTRESS.

Two-thirds of the free-quarters of every one for luncheon, except one at which there is lawful banquet, or the 'briughaidh's' cauldron, for which there is full *free-quarters;* full free-quarters attaches to integrity, half free-quarters to non-integrity.

Two-thirds of the free-quarters of every one, i.e. food and condiment with offer of lodging; and thus he has twenty, i.e. thus he has two-thirds of all the free-quarters, the fifteen days of the condiment, and the five that try the patience,[a] (*i.e. without condiment*), which makes twenty; i.e. two-thirds of protection every one relinquishes for giving to him luncheon of one day; two-thirds of his full food with condiment was given to him, and two-thirds of his protection he relinquishes in lieu of it. Except one at which there is lawful banquet, i.e. lawful ale, for this is what he (*the author of the law*) had in view, when there is ale or fleshmeat at it not in smaller quantity than full food. *Or the 'briughaidh's' cauldron*, i.e. the flesh which is put into the cauldron to boil, i.e. when there is ale, or a cauldron on the fire, i.e. it is full food if these are there though they be given for luncheon. *For which there is full free-quarters*, i.e. full protection or complete protection he relinquishes for these particular things when the full food is good. Half free-quarters to non-integrity, i.e. half food with condiment was given him in this case; half free-quarters for lawful supplies, for lodging, for house, for fire, for vessels, for bed, without food except what they bring *themselves*.

[a] Ir. *Of the patience.*

Half free-quarters *is due* for convenience to prepare the food.

That is, they consume their own food in this instance, or one relinquishes protection for convenience for lawfully preparing his food, and full food without condiment was given to him in this case, or half food with condiment, or offer of full food with condiment, i.e. seven days and a half; and the fourth of all the free-quarters, if there be condiment, is half the free-quarters *without condiment*, i.e. fifteen days, if there be condiment and offer of full food it is the three-fourths of the free-quarters.

In what instance does a man leave protection upon himself and consume his *own* food? In this instance, *viz.*, when he served a party that had not come to him on a previous occasion,[1] whether the party themselves had neglected it *intentionally*, or had been obliged to go away upon urgent *business*, and he (*the host who was to*

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Distress. do cuadus re torcu deicbere, ocus ro caichtus rim a biad, is a let faorim fagbus ais; ocus is é sin aon inad is in berla fene ana fagbann nech faorum ais ocus a biad boden do chaithed do.

Cuiceadh ruiре. Fri dig fri die.

.i. nech ro raig biad is in ló inn sin; mad is in oidche is cethuimne inech ro raig biad.—S.D., .i. cuiced ruiре in bid, .i. tri la, ocus is i deachmuid na ruiре uile. Dia mbe fornaidm is cuiced na ruiре uili, re la; dia mbe fornaidm cu toisecsin laimbiata is ocht la dec.

Ma deog a lo, is decmuid na ruiре in bid, ocus is é sichetmuid na ruiре uile, .i. laithe cu leth, ocus dia mbe fornaidm is decmuid na ruiре uile, .i. tri la. Dia mbe fornaidm cu toisecsin laimbiata, is ficht la dec cu leth; ocus is do sligaib cuna comgnadaib in slecht so, ocus ni geb greim etir feinib cin biad no cin taisecsin mbid.

Ach sgeo sgeachuch.

.i. dam feachta fele so. Mad natad in biad fearb no sgethuch do na damaib, muna fear a feirbe no a sgeachaige ais, is slan don muinntir, acht aithgin bid innsaicc uadaib máta acud, ocus muna bsuil nocha nusaillsinn dligedh orsud a ceannuch, ocus ciad no farud cned doib do chaithium in bid, slan can ni dic siu. Mad so a fear a feirbe no a sgethaige, ocus ni ar fad fogla tucu doib e, aithgin bid innsaic cu na diabladh dic siu; ocus nocha nsuil einiuclann, uair nocha comfodail bid gaithe; ocus mad so far cned doib do caithium in bid, is log othusa na cneide so far doib de

[1] *Berla Feini.* This probably refers to the most ancient part of the laws which are believed to have been written in the Berla Feini dialect.

[2] *Food.* The Irish of the above paragraph, is added in the original MS. in a different handwriting, which Dr. O'Donovan thought was that of Gilla-na-naev Mac Egan. For a notice of the Mac Egan family of Brehons, *vide* Preface to *Senchus Mor*, vol. i., p. xxxiv., *et seq.*

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entertain them), consumed the food, he relinquishes half the protection for it; and this is the only instance in the 'Bérlá Feini,'[1] where a man relinquishes his protection for having consumed his own food.[2] DISTRESS.

One-fifth of free-quarters *is the lessening incurred* for drink by day.

The one-fifth is *the lessening* which food incurs in the day; if in the night, it is one-fourth that food incurs—S.D., i.e. one-fifth of the free-quarters of the food, i.e. three days, and it is the tenth of the whole free-quarters. If there be condiment, it (*the lessening*) is one-fifth of the whole free-quarters, six days; if there be condiment with offer of full food, it is eighteen days.

If drink by day, it is one-tenth of the free-quarters of the food, and it is the twentieth of all the free quarters,[3] i.e. a day and a half; and if there be condiment, it is the tenth of the whole free-quarters, i.e. three days. If there be condiment with offer of full food, it is seventeen days and a half; and this section has reference to kings and persons of equal grade with them, and it has no effect among the Feini without food or without offer of food.

Unless *the food or drink* be mawkish.

This is *the case of* a party for one night's entertainment. If bitter or mawkish food has been given to the parties, unless the bitterness or the mawkishness has been known *to the host*, the people *of the host* are free, but so as they give, as restitution, *an equal quantity* of wholesome food if they have it, and if they have not, the law does not command them to purchase it, and even though injury might arise to them *who are entertained* from using the food, it is safe[4] not to pay any to them. If the bitterness or mawkishness *of the food* was known *to the host*, but so as it was not given to them for the purpose of injury, restitution in wholesome food, with its double, is to be made to them; and there is no honor-price *due*, because it was not "the distribution of stolen food;"[5] but if injury has arisen to them from consuming the food, the price of the cure of the injury which resulted to them thereby shall be paid by him to them. If it was for the sake of inflicting injury that it was given to them, resti-

[3] *Free quarters.* The free-quarters lessened as the food and condiment increased.

[4] *It is safe*, i.e. the host is exempt from the payment of 'eric'-fine for the injury.

[5] *Stolen food.* If the host had given stolen food to his guests he should pay honor-price.

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Distress. do ic fris. Mar ar fat fogla tucad doib é, aitgin bid innisic cu na diablad dic fris ina anbfocul orrsud, ocus mad fo caitsiusus in biad, is amuil guin cuisib tre erce.

Mad tuccad linn fseatach dona damuib ocus ni fitir in muinntir in fseatuige, is slan doib act linn dligtech uaidib mata acud, ocus muna bfuil acud nocha nusailiunn dliged orrsud a ceannuc.

Mad fo fear a fseachuige ag in muinntir sia na tabuisit dona damuib is érlic annfoccuil do na damuib ann, ocus gebid greim naitgina a let fer-na damuib in lind, ocus nocha neicin doib aitgin eile tar a eisi, act muna bfuil acud, ocus mata acud dlegus diub a tabuisit, ocus icuit erlic anbfocuil, .i. letgabail diabultа in bid; ocus nochan ar fat fogla fo foclud orrsud, ocus da mad ed, is diablad, ocus einiucluinn ocus aitgin, ocus is ecin in aitgin sin do airiuc do gner, ce bet eg in muinntir cin cu be; ocus mad fo far fogail doib do caidiuin in bid is lan siach no fogla fo far doib de dicc.

Munub ar fat fogla fo anfocuil orrsud, ocus fo far fogail doib de, is amuil indetbire torbaid im aitgin; ocus is inund sin ocus biad fearb no fseatad i fir no in ainbfis.

Da gaitit in biad fearb no fseatud co fir a feirbe, gebid greim naitgina a leit fris, ocus nocha necin aitgin doib do gner tar eis na haitgina do caitsiusus, ce bet acud cin cu bé. No dono má ta acud, dlegus dib a tabuisit, ocus muna bfuil, noca ndlegus dib a ceannuc.

Mar ar fat fogla fo anfoclud, is aitgin do gner do ic ann, ocus noca necin in biad do ceannuc do gner ocus muna bfuilit feoit artig fo herbad do cinn bid.

Leat fuisse fri lan foesum.

.i. in cutruma bid fo caithed ann ira foesum aicinta foi a fsat; ocus in cutruma do biud taisiur ann is a let foesum

tution in wholesome food, with its double, shall be made to them, for their deception, and if they have consumed the food, it (*the case*) is the same as injuring the body by wounding. DISTRESS.

If mawkish ale has been given to the parties and the people *of the host* were not aware of the mawkishness, they are exempt *from penalty*, but so as they give lawful ale if they have it, and if they have it not the law does not command them to purchase it.

If its mawkishness was known to the people *of the host* before giving it to the parties, it is 'eric'-fine for deception that is due to the parties in this case, and it founds a claim of restitution of the ale for the parties, but they are not obliged to make any other restitution afterwards, unless they have it, and if they have it they are bound to give it, and they shall pay 'eric'-fine for deception, i.e. the second portion of the double seizure of the food; and it was not for the sake of injury that it was recommended to them, but if it was, then double, and honour-price and restitution are *due*, and this restitution must be always made, whether the people *of the host* have it or not; and if injury resulted to them from the consumption of the food, the full fine for the injury which resulted shall be paid *by the host*.

If it was not for the purpose of injury that it was deceitfully recommended to them, and injury arose to them therefrom, it (*the crime*) is similar to an illegality inflicted without design with respect to restitution; and this is the same as *giving* bitter or mawkish food with knowledge or without knowledge.

If they consume the bitter or mawkish food with knowledge of its bitterness, it founds a claim of restitution for them, but restitution need not be given to them at any time after they have consumed *what was given in* restitution, whether they (*the host's people*) have it or not. Or indeed, if they have it, they are bound to give it, and if they have it not, they are not bound to purchase it.

If it was for the purpose of injury that it was deceitfully recommended to them, restitution is always to be made for it, and it is never compulsory to buy the food, nor give it unless there be 'seds' within which may be ordered for food.

Half free-quarters for full protection.

That is, *as to* the complement of food which was consumed on the occasion, it is entitled to its natural protection, and it is half protec-

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Distress. ar a fgat, mata fodgnaidm, ocus muna fuil fonaidm ni fuil ni ar a fgat.

C. 2449. Suirse lubru [.i.] on trat co raile, 7rl.

Cid fodesa foesum do bet ar in foes, uair is ar log fuirse lubru on trat co raile, 7rl., do sinne in aice? Is e in fat cumaid da biud tucustus driur na hoige.

Odrus mugsuine fodailtes fo miad. Fortacht ina laithe luad.

.i. in ti dia tabuis monus lai, fodailtes fuirse in fis sin do fo miad.—S.D., .i. fodailtiud mad foisitin uair do berus ar in mugsuine fo uairliatuige in ti ar a tabuitius in fortacht, no fo met na fustacta do berus ann, .i. mad let lai no trian lai, cusub let fuirse airse, no trian fuirse; no dono cid bec cid mor in mugsaine cu roib lan fairse no let fairse ann. Let foesum fagbuit na grad feine ocus in tairse desa cin fonaidm, ocus ma ta fonaidm is lan foesum.

Cinniud aisidi usdoud fagbuid na grad flatha gin fosnaidm, ocus ma ta fosnaidm is a da cutruma, ocus ar in faoes fagbuit é iar ndenum na lubra, ocus ata tuisbud don ti do gni hi, ocus don ti ag a ndentus i cein betus oca denuid, ocus nocha nfuil foesum don ti oca ndentus in lubra iar tairsiu a denma, act muna bfuil do fes dligid tusbada, ocus da mbet is a bet do.

Fo aicned mede no laigiuid na lubra, ata in traise lubra ar in ti do fidne, no ar in ti oca ndentus, cein betus oc a denuid; ocus fo aicned mede no laigiud na lubra ar in ti oca ndentus iar tairsiu a denma, ocus cuma cumaid don duilcinne do berus in faoes don fiur oca ndentus in lubair.

C. 2657. Ni tuarluce nac fuirse no nach feorum [ber irle agra ber uairle enech].

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tion *that is given* for the complement of food which is offered, if there is condiment, and if their is not condiment, there is nothing for it. DISTRESS.

A workman's free-quarters, i.e. from one day to another, &c.

What is the reason that the artisan has protection, for it is for the price of a workman's free-quarters from one day to another, &c., that he did his work? The reason is that double rations might be given to the man of perfection *in his art.*

Sick attendance to workmen is given according to rank. Relief for his day according to its value.

That is, *as regards* the person to whom a day's work is given *to do* the free-quarters of that man is given according to his dignity.—S.D., i.e. if it be noble relief that is given for the work it is conferred according to the dignity of him to whom the relief is given, or according to the extent of the relief which is given in the case, i.e. if it be one-half day or one-third of a day, it is one-half free-quarters or one-third of free-quarters for it; or indeed, whether the work be small or great there shall be full free-quarters or half free-quarters for it. Half protection is relinquished by the Feini grades and the 'aire-desà' chief, without condiment, and if there is condiment it is full protection *that is relinquished.*

Certain decisions of authors leave the chieftain grades without condiment, and if there be condiment, they (*the chieftain grades*) *shall relinquish* twice as much, and as for the artisan he relinquishes it after the work is finished, and there is exemption to the person who does it, and to the person with whom it is done, while it is being done, and there is no protection to the person with whom it is done after it has been finished, unless he has it according to the law of exemption, and if he has it so he shall enjoy it.

According to the largeness or smallness of the work, the person who executed the work, or the person with whom it is executed, shall, while it is being done, enjoy workman's free-quarters; and according to the largeness or smallness of the work, the person with whom the work is done, after it has been finished, shall enjoy the same, and the artisan shall give an equal share of the wages to the person with whom the work has been done.

No free-quarters or protection shall set aside the suit of one who is of higher honor.

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Distress. [.i. ni ber uairli nad eneclann, cid irli inar ini agartar ann,
C. 2657. .i. ní ir mo na log enech fir in foeram don adgabail do legan ar re re in foeraim in inbaid ir dar an fir faorma in ecmais ro gabad an adgabail, .i. lubra ocus brd ocus fonadma.]

.i. log eniuch don adgabail inbleogain ro cailli, ocus cuic
C. 2658. reoit iar fir fairre [no iar farc], ocus a fuil for log eniuch for anad na fairre. Mad gin fir fairre, ir log eniuch nama ro
C. 2658. cailli do adgabail inbleogain, ocus a fuil for log eniuch [for anad aicinta in reoit no] for anud na fairre.

Log eniuch do adgabail cintuig for anud na fairre, ocus cuic reoit, ocus a fuil for log eniuch for anud aicnid in treoit. Ma gin fir, ir log eniuch for anud na fairre nama, ocus a fuil for log eniuch for anud aicnid in treoit.

Mad adgabail inbleogain gabtar tar farc, log enech di ro cailli, ocus cuic reoit lair, ocus a mbi fair do gabail lair in adgabail. Muna be farcc, log eniuch nama do lecin ar, cin reotu. Ir derid irbeirriuth fuar a tabuirt do fnadug fir ir tualuing. Ma adgabail cintuig, log eniuch do for anud na fairre ocus a anad fein; muna bé in farc on cintuch ni bfuil fairre for ni dia fealbad itir.

C. 2707. Ni gaidtiur nimhe cetra in adgabail, [each, 7rl.]

.i. cuic reoit a fmacht .i. na cetra ada nimhe ar a ndualgur féin, no cetra na nimhe adrimhe funn .i. munn imurro atait cuic reoit i ngabail na cetra ir nimhed iar naprad ocus iar trorccad, cid o cintuch cid o inbleogain; ocus do tuata atait na cuic reoit fi iar naprad ocus iar trorccad; ocus nocha nfuil ni do ecluir, uair do ni erinnfuic di elo do lecin, co mbeirinn a einechunn uile uaithe; ocus nocha ndenunn acht erinnfuic leithe do tuata ele do lecin, ocus cid erinnfuic duine o biar tochur ata leth einechunn do o do dena maith da tochur, ocus o biar lethéinechunn do ata lan fmacht do.

[1] *Exempt cattle*, 'nimhe.' These are frequently referred to in the Brehon Laws. Their division into twenty-five classes is fully described in C. 814, 815.

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That is, a thing which is higher than honor-price, though lower than the thing which is sued for in the case, i.e. a portion larger than the honor-price of the protector of the distress is to be let go during the period of the protection, when it was, notwithstanding the knowledge of the protection, in his absence the distress was taken, i.e. work and food and condiment. DISTRESS.

The amount of honor-price of the distress of the kinsman is set free,[a] and five 'seds' after knowledge of the free-quarters, or after notice, and all that is for honor-price while the free-quarters lasts. If without knowledge of the free-quarters, it is the amount of honor-price only of the distress of the kinsman that is set free,[a] and what is for honor-price during the natural stay of the 'seds' or while the free-quarters lasts.

[a] Ir. *Let into the wood.*

The amount of honor-price of the distress of the debtor during the period of the free quarters, and five 'seds,' and what is *due* for honor-price are entitled to[b] the natural stay of the 'seds.' If without knowledge, it is honor-price during the period of the free-quarters only *that is due*, and what is over honor-price during the natural stay of the 'seds.'

[b] Ir. *Upon.*

If the distress of the kinsman has been taken notwithstanding notice *of the exemption*, the amount of honor-price of it shall be set free, and five 'seds' besides, and *the fine* that is upon it is to be taken by him in distress. If the notice has not been given, the amount of honor-price only shall be let go, without the *five* 'seds.' Hence it is said above to give it to the protection of a man that is able *to protect it.* If it be the distress of the debtor, he shall have honor-price during the time of the free-quarters and his own stay; unless the notice has been given by the debtor there is no free-quarters upon any part of his property at all.

The exempt cattle,[1] a horse, &c., shall not be taken in distress.

That is, five 'seds' is the 'smacht'-fine, i.e. the cattle which are exempt in their own nature, or the cattle of the dignitaries are referred to here, i.e. there are indeed five 'seds' alike due for distraining the cattle which are specially exempt, after notice and fasting, whether from the debtor himself or the kinsman; and these five 'seds' are due to the laity after notice and fasting; and there is nothing due to a church, for to evade renders it (*the church*) fully unworthy, and deprives it of all its honor-price; but it only renders a layman half unworthy to abscond *from his liabilities*, and though a man be unworthy, so as he has property with which he does good, he has half honor-price, and when he has half honor-price he has full 'smacht'-fine.

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Distress

Mas se naso ocus trosgad so gobad na cethra is nimi in athgabail, is dilsi gach athgabail uili im indlighedh athgabala do denum sia co suice dec mbu no dec seotu; no dilsi leth gacha athgabala do tuatha co suice cuic bu no cuic seotu; ocus nocha nsuil decbis neime na nimneime sia nabad ocus sia trosgad a n-usrudus, ocus ata iar nabad ocus iar trosgad.

Ata imusrso a cain decbis neime ocus nime sia nasad ocus sia trosgad, ocus iar nasad. Nochon suil decbis lui na clethe i nusrsudus o bus neime im a gabail in athgabail, ocus ata a cain imusrso cuma i ngabail in clethe is neimhe se nasad ocus sia trosgud. Ma so bui clethe nar bud nimhe ann, nocha nsuil decbis negsuimh ina nemnegsuimh a cain, ocus ata i nusrsudus im athgabail. Nocha nsuil decbis cintuigh ina inbleogain a cain im in adgabail ina um in ercuine, ocus ata i n-usrsadus. Is ann ata cuic seoit i ngabail i neimid cethra i n-usrsadus sia nasad ocus trosgad in tan is esic fogla so dlegt ann, no cid fed dus no cunnusrta ocus nocar adtaigh neimhe aisridhe ann na neimneimhe.

Masa fech cuis no cunnusrta, ocus so adtuigh neimhe aisridhe ann, act ma ta neimneime is comaicinta do aice, cusub taoesca gabus in neimneimhe ina i neime. Muna bsuil neimneimhe is comaicinta do aice, cusub taesca gabus ineimhe is comaicinta ina ineime nach comaicinta.

In cintuch i neimneime do gabail de sia na nimhe, a neime sia
C. 2708. na fesunn, a fesunn se na bsaighe, a bsaighe so deoigh. [Ocus ma so gabad ni dib sin sia na ceile, cuic seoit ann, cid do cintach cid dinbleogain .i. ni gaibter an cintach a cinaid ninbleogain cen ber dis ac in cintach. Gebter imosso ina cinad sen no a cinaid a diaghsina iar nembeid cetsa aile oca cia bed dis oca.]

In dinbleogain imusrso, i neimneime se na fesunn, a fesunn se na nimhe, a nimhe se na bsaighe, a bsaighe so deoigh.

[1] *'Cain'-law.* A law applying to all Ireland.—*Preface Senchus Mor*, vol. i., p. xliv.

[2] *'Urradhus'-law.* The local modifications of the general laws consequent on the division of Ireland into separate kingdoms and territories.—*Preface Senchus Mor*, vol. i., p. xlv.

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If the cattle which are exempt had been distrained before notice and fasting, every distress is forfeited for being illegally taken, as far as ten cows or ten 'seds;' or, *according to others*, half every distress is forfeited by a layman as far as five cows or five 'seds;' and there is no distinction of exemption or non-exemption before notice and fasting in 'Urradhus'-law, but there is after notice and fasting. DISTRESS.

There is however in 'Cain'-law[1] a difference as to exemption and *non*-exemption before notice and fasting, and after notice. There is no difference as to small or large in 'Urradhus'-law[2] when it is exempt cattle that are taken in distress, but there is in 'Cain'-law, in which the fine (*i.e. five 'seds'*) is for taking a large beast which is exempt, before notice and fasting. If there was a large beast which was not exempt, there is no difference of necessity or non-necessity in the 'Cain'-law respecting distress, but there is in 'Urradhus'-law. There is no difference as to debtor or surety in 'Cain'-law respecting the distress or respecting the incapable person, but there is in 'Urradhus'-law. There are five 'seds' *fine* for distraining exempt cattle in 'Urradhus'-law before notice and fasting when it is 'eric'-fine for injury that is due, or if it be for debts of bargain and contract in which no stipulation of exemption or non-exemption was made.

If they be debts of bargain and contract, and that a certain exemption was stipulated therein, if he has non-exempt cattle of the same nature, the non-exempt cattle shall be distrained before the exempt. If he has not non-exempt cattle of the same nature, the exempt cattle which are of the same nature shall be taken before the exempt which are not of the same nature.

The non-exempt cattle of the debtor may be taken from him *in distress* before his exempt cattle, his exempt cattle before his land, his land before his person, and his person last of all. And if one of these things has been taken before the other, there shall be a fine of five 'seds' for it, whether it has been taken from the debtor or from the surety, i.e. the surety[3] shall not be taken for the liability of the debtor while the debtor has land. He shall, however, be taken for his own liability, or the liability of his chief, when he has no sufficient cattle, though he may have land.

As to the kinsman, his non-exempt cattle are taken before his land, his land before his exempt cattle, his exempt cattle before his person, and his person last of all.

[3] *Surety.* From the context it appears that the terms cintaċ and inbleogain should be transposed.

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Distress. Im ercuiḃ fogla sin, no im siachuiḃ cuis no cunnusṫa.

Ar trocuisse se himbleogain gabus in fersann se na nime, ar is fer do cuaiḋ meanma an ugduis cumaḋ mó no sisaḋ ales feoit se caiḃiuṁ ina fersunn. Cid neimnesam no dleraḋ neaċ, nocha ninḋligteċ do nesuṁ nad bud neime do gaḃail a ngill sis.

Cid neimnesuṁ dna is neime dlesus neaċ, in cein bes neasum no neimneasum na bud neime ann, nocha dis do nesuṁ bus neime do gabail in aṫgabail.

Cid neasum bus neime dlesus neaċ, nocha dis do nesuṁ bus neime do gabail cein bes nesum bus neimneime ann. Muna be side ċeana, cia no beṫ nemnesum bud neime, no na bu neime ann, nocha ninḋligteċ dosum nesum bus neime do gabail i naṫgabail ainnsidi.

Na boin so creaca isis da selḋ.

.1. A colunn laisin dara fer, ocus a lacht ac in sis eile; no cid a colunn bes acud imaroen, .i. in bó aidbsiuda, .i. isis da einsinniuch, no etis da fecnubuid; na boin cosnuma isis da d.

Maḋ so gabaḋ in athgabail in feoit uil isis dis, maḋ so sitis in ti so gaḃ é a beṫ etis dis, cuic feoit do ceṫus de diḃ ann; no cumaḋ aen cuic feoit doiḃ, ocus a da srian don ti is sin imnas gabaḋ, ocus aen srian don ti is a cin imas gabaḋ. Muna sitis in ti so gaḃ in aṫgabail é a beṫ isis dis, is leṫ cuic feoit ann, ocus aladа na cuic feoit somuin osso.

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These are *regulations* respecting 'eric'-fines of injury, or respecting debts of bargain and contract. Distress

Out of leniency to the kinsman it is that his land is taken before his exempt cattle, for the mind of the author *of the law* perceived this fact that he would require 'seds' for consumption more than land. Though one should be entitled to an article not required for immediate use, it is not unlawful for him to take an article required for immediate use which is not exempt as a pledge for it.

If a person should be entitled to an article which is not required for immediate use and which is exempt, as long as there is an article which is not exempt, whether it be required for immediate use or not, to be had, it is not right for him to take in distress an article required for immediate use and which is exempt.

If a person should be entitled to such an article which is exempt, it is not right for him to take one which is exempt as long as there is to be had one which is not exempt. Should this be not to be had, if there be an article not so required, whether it be exempt or not, to be had, it is not then unlawful for him to take in distress an article of necessity which is exempt.

The cows which are sold between two possessions.

That is, *the case of a cow* whose body *belongs* to the one man, and her milk to the other; or the body belongs to both, i.e. the cow which is a subject of controversy, i.e. between two lay superintendents of church lands, or between two priors; the cows which are subjects of dispute between two persons.

If the 'sed' which is owned by two persons has been taken in distress, if the person who took it had known that it was between two persons, there *is a fine of* five 'seds' due to each of them for it; or five 'seds' to both, two-thirds *of which go* to the person for whose liability it was not taken, and one-third to him for whose liability it was taken. If the person who took the distress did not know it to be between two persons, it is half five 'seds' *fine* that is due for it, and the conditions[1] of the five 'seds' mentioned before shall be upon them.

[1] *Conditions*, i.e. the fine shall be divided between the owners in common in the same proportions as the five 'seds' just mentioned, that is, two-thirds to him who owed nothing, and one-third to him who owed the debt for which the distress was made.

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Distress.

Na buin co ngalus.

.i. in bo galuis; mas cinnti cunad tre na gabail in adgabail is marb hi, cuic foeit ann, ocus aitgin. Mas cunntabuis, is cuic feoit ann, ocus leth aitgin. Mas cinnti cunach, is cuic feoit nama.

No tarb i naimsis dara.

.i. Mas cinnti cunad tria fuisuise a gabala in adgabail tainicc millead in lacta ocus in laig, is cuic feoit ann, ocus aitgin in lacta ocus in laig. Mas cunntabuis, is cuic feoit ocus leth aitgin in lacta ocus in laig. Mas cinnte cunach tris, is cuic feoit nama.

Cach bo dib so asa ta lact do neoch is nime cethra, cuic feoit i na ngabail i nathgabail, ocus aitgin a lacta ma do cuatus i noithrce, ocus cinnte cunad tria na ngabail in athgabail do cuatus i noithrce. Mas cunntobuis, is cuic feoit ocus leth aitgin in lacta. Mas cinnte cunad tris, is cuic feoit namá.

Daera neime cethra fri hinbleogain acht cin a mbel fadesin.

.i. adgabail mbruigsheta, .i. ni gebtus i cinuid in inbleogain cein bes tis oc in cintud; gebtus imusso ina cinuid fein, no i cinuid a tiagusna iar neimmbeth cethra eile oca, cia beth tis oca.

Leth cacha aitgina ina indligeth ria naprid ocus trocud, ocus cuic feoit imusso isin nime cethra iar naprid, dia mbeth ceathra eile oga; ocus muna bet, is slan a ngabail iar naprid ocus trocud.

C. 2710. [Ni gaibter athgabail druith, na darachtaid,] na oin,

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The cows with disease.

That is, the diseased cow: if it be certain that it was in consequence of taking her in distress she died, five 'seds' *is the fine* for it, and restitution. If it be doubtful, five 'seds,' and half restitution. If it is certain that it was not, it is five 'seds' only.

Or a bull in time of bulling.

That is, if it be certain that it was in consequence of its being taken in distress the loss of the milk and of the calf ensued, it is five 'seds' *fine* for it, and restitution for the milk and for the calf. If it be doubtful, it is five 'seds' and half restitution for the milk and for the calf. If it be certain that it was not in consequence of it (*the distress*), it is five 'seds' only.

For every cow of these which has milk and which is an exempt beast, there *is a fine of* five 'seds' for taking it in distress, and restitution for the milk, if they have run dry, and that it is certain that it was in consequence of being distrained they have run dry. If it be doubtful, it is five 'seds' and half restitution of the milk. If it is certain that it was not in consequence *of the distress*, it is five 'seds' only.

His exempt cattle are free for the kinsman except for the trespasses of their own mouths.

That is, distress of 'Bruighrechta,' i.e. *the exempt cattle* of the kinsman shall not be distrained for debt as long as the debtor has land; but they shall be distrained for his own liability, or for the liability of his chief when he has not other cattle, though he may have land.

The half of every distress is *forfeited* for the unlawful *taking of it* before notice and fasting, and five 'seds' *is the fine* for taking exempt cattle after notice, should he (*the debtor*) have other cattle; but if he has not, it is safe to take them after notice and fasting.

A fool, a madman, a male idiot, a female idiot, a

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Distress. C. 2710. [na oinmiti, na haimbil; na athgabail a cond berthai a cinta ocus a praith].

[Druith, .i. co prath. Dagachtaid, .i. fo dabar an dlai fulla.] Oin, .i. on an fer. [Oinmiti, .i. femen. Haimbil, .i. duine na bi bil uplabra.

Na athgabail a cond, .i. na codnaigh beraid eric irin cinaid do gnither friu.]

.i. cach ni do berur in oin ocus in airlicud don lucht fo, ni icuit a brine; icuit imurro a cinta coiri ocus laime, .i. in tan na bid oca fein, no nach ingnimruig iat.

Na hinndearb fealba na hathgabala ban na mac ria trorcud.

.i. fealb ar nad hinnderbin cin do rochtuin, .i. no crod ban no macc, .i. ni finntar cuic a fealb acht bit for a faithe frin nama. .i. no in fet innuda coitcinn.—S.B., .i. crod ban no macc, .i. riariu di aer cadnuig doib, .i. cein bet codnuig don fine ceana; muna bet imurro codnuid don fine, gabur dibrium cutrumur na riad dlegur don cintuch acht fria cinta fein, .i. gabail atgabala for in ecodnuch um in aitgin, uair ata faillecta cella do; ocus in letgabail diabulta for in codnuch, ocus cuic feoit. Isse aire nach gabur atgabail in lochta frithuinn uair ni failter ciall oca.

Gaibter iarum ar in econn log riad do roille.

.i. gaibtear iarum do na hecodnucuib log na riach fo airilltiur ann. Aitgin inech gabur dibrum, ocus a diablud dia cod-

[1] *Fit for work*, i.e. when they are not able to perform work sufficient to pay for their crimes of foot and hand.

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dumb person, shall not be distrained: their adult guardians, who bear their crimes and get their wages, shall be distrained. DISTRESS.

A fool, i.e. one who can earn wages. A madman, i.e. upon whom the magic wisp has been thrown. An idiot, i.e. the male. An 'oinmit,' i.e. the female idiot. A dumb person, i.e. one whose utterance is not good.

Their adult guardians shall be distrained, i.e. the adults who obtain 'eric'-fine for the injuries done to them.

That is, everything which is lent or given in loan upon interest to these people (*i.e. fools, &c.*) shall not be paid for by their family; they (*their family*) shall however pay for their crimes of foot and hand, i.e. when they themselves have not wherewithal *to pay for them*, or when they are not fit for work.[1]

That the possessions of women and boys taken in distress before fasting should not be uncertain.

That is, property upon which it is uncertain that any claim lies, i.e. the property of women or boys, i.e. it is not known whose property it is, excepting only that is on their green, i.e. or the increasing 'seds' generally.—S.B., i.e. the cattle of women or boys, i.e. *of boys* before they come to the age of reason, i.e. as long as there are sane adults of the same tribe *to be distrained in their stead;* but if there be not sane adults of the tribe, they (*the women and boys*) may be distrained to the amount of the debts of the debtor, *but they are liable for none* except for their own debts,[2] i.e. distress is taken from the infant for the restitution, *but not for the fines*, for there is expectation that he will have sense; and the second portion of the double seizure from the adult, and five 'seds.' The reason that the parties before *mentioned* are not distrainable is because they are not supposed to have sense.

But the adult without sense is distrained for the amount of the debt which he incurs.

That is, distress is taken from the adults without sense for the amount of the debts which they themselves have contracted. Restitution of the thing itself is taken from them, and double from their

[2] *Except for their own debts.* This should be "the women and boys cannot be distrained for any debts except their own."

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Distress. nícuiḃ. Is aire ni gaibṫer funn don ecosnuċ acṫ aiṫgin uair ni he so elo aposo na trosgusò sin sa cosnuiġ.

Ni gaibṫer aṫgabail neime graid flatha no eulsa conas fastus doib cu dechmuid.

.i. im cinuid niḋleoġuin; cein beṫ graid feine don aicme ni gaibṫus aṫgabail neim, 7rl., conasbastas doiḃ cu deaċmuiḋ nisnuiḋ. Is as sin is follus cid bec in einechunn bes do neoċ a dualgus a dana, cunuḋ aposo dechmuiḋe biar fais.

Conas fastus doib cu dechmuid, .i. cusa tairbentus doiḃ biṫ i nusnuiġe se se dechmuiḋe cin trosgusò fosnuḋ.

Cuic feoit cach ninnoligiḋ aṫgabala, acht nimid ime dechbese do ainsis no aincheas.

Cuic feoit cach ninnoligiḋ, .i. in gach inoligeò do niċus im in aṫgabail aiṫ no aḋa einioin bes i cusnduiḋ, .i. ias nasud ocus trosgaò aca so sis, .i. cuic leat uinge. Nimid ime, .i. ainsis do, ni fisis as ma ceṫra niṁe so gabuḋ, no as ma uaisle in ti dia ngabus oloas a glinne fadesin; no ni fisis as ma mo in aṫgabail oloas ini do oligustus, ocus ni fisis as ma écuma a feċiuṁ no as ma fesis fri araile; no ni fisis

[1] C. 2711, adds, Ni gaibter aṫgabail neme graiḋ flatha na ecalsa, 7rl., .i. cen beit graiḋ sene da naicme.

Ca baile a tet fogelt ocus bleṫ ocus lobaḋ a cenn aṫgabala inbleogain ocus na tet aṫ fogailt ocus bleṫ a cend aṫgabala cintaiġ?

Is annso on, .i. na deoraiḋ ocus na murcuiṫa, na daim, na mna, na hecoinn oca frescthen ciall cosnaiġ. Gabtas aṫgabail diḃ iman aiṫgin, ocus tet fogelt ocus bleṫ ina cenn, ocus ní tet lobaḋ. Ocus in aṫgabail gabtas da coḋnaċa im an leṫgabail subalta tet fogelt ocus bleṫ ocus lobaḋ ina cennsiḋe. Ocus gurab mo foċas inbleogain.

The exempt cattle of a *person of* chieftain grade, or of a church, &c., shall not be distrained, i.e. as long as there are people of the 'Feini' grade of their tribe.

In what case does it appear that *expense of* feeding, and tending, and forfeiture

senior adults. The reason that restitution only is taken from the adult without sense is because it was not he who evaded notice of fasting, but his seniors. DISTRESS.

The exempt cattle of the chieftain grade or of the church shall not be distrained until a delay of ten days has taken place.

That is, respecting the liability of the kinsman ; as long as there are Feini grades of the tribe the exempt cattle shall not be distrained, &c., until they are waited upon for ten days. From this it is evident, that though one's honor-price be ever so small in right of possession, yet a notice of ten days should be served on him.

Until a delay of ten days, &c., i.e. until it is shown to them that they have been waited upon for ten days, without fasting upon them.[1]

Five seds *are payable* for every illegal taking of distress, except what is defended by necessity or ignorance or difficulty.

Five 'seds' for every illegal taking, &c., i.e. for each illegality that is committed respecting the quick or legal distraint which is protected by exemption, i.e. those which follow down here are after notice and fasting, i.e. five half ounces.[2] What is defended by necessity, i.e. he (*the distrainor*) is in ignorance; he does not know whether they were exempt cattle that were taken, or whether the person from whom they were taken is nobler than his own surety; or he does not know whether the distress taken was more than the debt due, and he does not know whether his law agent is equal to or better than the other; or

accumulate upon the distress of the kinsman-surety, while only *expense of* feeding and tending accumulate upon the distress of the debtor? In this case following viz., the strangers, the foreigners from beyond sea, bondmen, women, and sane infants who are expected to get good sense *when they grow up to years of discretion.* Distress is taken from them for restitution, and *expense of* feeding and tending accumulate upon it, but forfeiture does not. And the distress which is taken from sane adults for the double half-seizure has *expense of* feeding, and tending, and forfeiture added to it. The advantage of the kinsman-surety is greater.

[2] *Five half ounces.* In C. 2711 there is added "o bαoτhαιb," i.e. from idiots, or incompetent persons. This class of persons make half restitution, and pay one-fourth, one-eighth, and one-tenth of the five '*seds*,' *i.e. the* '*smacht*' *or fixed fine for distraining after an illegal manner.*

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Distress. ar ma mo ina log a fiad do inbleogain, no diablud do cintud no gabail; no ni fitir ar ma mo ina log einiud do athgabail inbleogain fo berud fe forus. No aincheas, .i. nocha caemnucuir gan na neche frin do dénum co innoligtuch, no ni caemnucuir cin cetra eile do briet laig, .i. anfra a hicc, .i. forcraid nimana forro co mbrigtear; ar dio nana co mall a tagar a marbad. Aincheas, don ni roibe dia fine neac ba dligtacha dia gabail oldas in ti rog gabad; ocus muna roib forus bad ferr frus na gabad. Ocus ir aincheas dono, ni caemnacuir a tabuirt co tuca a hurcuillte. Aincheas dono ni caemnucuir cin cetra nime do tabuirt, uair do lenrat de, ocus ni caemnucuir cin uraim riach do tobuirt, uair barrreimid tabuirt ceanai, ocus ni fuair fecium acht in fechiuth duc cid écuma.

No ecunnus.

.1. ecuidói, .i. ir drochcubus do cin farcc nolicheach uad re caithe no cumunn brigti co cumurcad; ocus adbeirrium fria cubus fadein ir innruicc gach ae, ocus ir go iarum; ocus ni fitir fium daig ni mor ir ecomlan ann. No dono ni bi eol a corus cetherrlechta, ocus ni caemnucuir anad frir in da deachmuid ina diaig ar oman a marbcha co ndeacuid amuda.

Ecubus dono, ni fitir rom a tuigecht ina diaig, acus no muguidech, .i. let ocus cetrumha ocus cuicead na cuic feoit innti a trius, ocus aitgin.

Econnus dono, .i. lir ocus buailid ocus faitche, im cinuid do denum friu i ninad did frin co hinoligthech, .i. ni fitir arma ecomadbuis doib in fcor ocus in mainnes ocus in dun arrobad innruice uile a lo no ala lo in tan forracuid. Econnus, .i. cin rinn feoir, ocus cin cumurc nilceachta, ocus cin farc in trier brieithir, no cin mainnir thall ocus amuig. Ocus no fec i a lo ruimhe, muna faca ir leath cúic feoit.

[1] *Difficulty.* The following brief commentary on the passage from C. 2711, is somewhat clearer than that already given:—

"No ainchis, .i. ni caomnacair cin neme cetra do gabail a nathgabail, ocus ni fuair fecham aile, ocus nir cumaing gan ni bu mó do gabail a nathgabail inar a ni ro dligurtair."

Or difficulty, i.e. he could not but take exempt cattle in distress; and he could not find another law agent, *though the one he had was of inferior standing* and he could not avoid taking in the distress more than he was due.

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he does not know whether more than the debt has been taken from the kinsman-surety, or double from the debtor; or he does not know whether more than the honor-price of the distress of the kinsman-surety has been taken to the enclosure *of the distrainor*. Or difficulty, i.e. he could not avoid doing these things unlawfully, or he could not help taking away other cattle. *Difficulty*, i.e. it is difficult of payment, i.e. they were over-driven so that they were hurt; for had they remained *going* slowly their death might ensue. *Or* difficulty,[1] *i.e.* there was not of his tribe one who could more legally distrain than the person who did distrain; and if he had not a better enclosure into which to bring it, *he might bring it into his own enclosure*. And it is a difficulty, too, that he cannot bring it (*the distress*) until it is prohibited. It is a difficulty also that he cannot but drive out exempt cattle, for they clung to him, and he could not but pay the balance of the debt, for it was payable before *by the very fact*, and he could not find an advocate but the one he brought, though he was incompetent. DISTRESS.

Or *except what is defended by* carelessness.

That is, he is not an accessory to it (*the carelessness*) i.e. it is want of thought in him not to give lawful notice of trespass or broken pound with mixing *of cattle;* and he says to his own mind that all is right, but it is afterwards *found to be* a mistake; but he did not know it, because there was not much of imperfection. Or else he did not know the fourfold division of the law *of distress*, and he was not able to wait, though they (*the exempt cattle*) followed, from fear of *the cattle he was distraining* being killed, so that they (*the exempt cattle*) went astray.

Want of thought now *means*, he does not know that they came out after him, and they were lost, i.e. there is one-half and one-fourth and one-fifth of the five 'seds' *due* under these three conditions,[2] besides restitution.

Carelessness now, i.e. to be guilty of impropriety towards them in either of those places unlawfully, i.e. at a 'lis'-fort, a cattle pen, a green, i.e. he does not know whether the 'scor'-pound, the 'mainner'-pound, or the 'dun'-fort in which they all were sound for a day or two days when he left them, was fit for them. Carelessness, i.e. without good grass, and without mixture of various cattle *being guarded against*, and without notice of the third word, or without a 'mainner'-pound within and without. And he looked *to all this* the day before, unless he did so it is half five 'seds' *of fine upon him.*

[2] *Three conditions.*—*Anfis*, ignorance; *ainches*, difficulty; and *econnus*, carelessness.

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DISTRESS.

No etge.

C. 2712 .i. [Ni ro dun in berna], ni dib brisus airaile no a haenur, no brisidrium fadesin, ocus is fearrdron. Ni diub brisus sum, ocus ni les a chumad, ocus ni bid borbdus do and, no ini mugaidchur tét ina diaig a sgur, no a mbuaildi, no a liur.

Leath riach cach ainfis.

.i. in tan fogeba neċ dia niarraideḋ, .i. leċ na cuic set in gaċ ni do na hesnuilib ainbfis adubrumur romuind, ocus airiuc na hiumurcuid rucud a naindiur, ocus airiuc na haiġina uile damud ail don ti isi haiġin hi.

Ca deċbir etarrud sin, .i. in tainbsiur so ocus imge trie baoegail naigneda tuas? Is í an deċbir, na fecit ro bud coir do gabail in athgabail tuas is iat ro gabud and, ocus in duine dar gabud in aġgabail dan dlegti in cin and is de ro gabad no ro dleċt. Ocus neach eile a dubuirt fris cus dleċt in cinuiġ, ocus cu nar hicud e, ocus ni fitisrium nar fiur do; ocus nocha tarlu indligeḋ do a gabail na haġgabala; ocus tuas imurro cu dligċeċ ro toxlad í, ocus ni mo ina aiġin cu na diablud do chintuch, no aiġin do imbleogain; ocus ni neime cethra ro gabad tuas beos, ocus ni hed dlegur don breiteamuin a riad i ndlegur no na dlegur in cin, aċt toxul na haġgabala anall cu dligċeċ.

Sunn imurro indligeḋ do rala do and a gabail a naindiur, ocus ni dligtech don aigne cin fis na n-earnuile ro aige budein, ocus coir ce ro beċ air and ce ro dlig ini ro acuir.

Ceathruma cach aincer.

.i. cetruime na cuic set uad in gaċ ni is aincher adubrumur romuind. Is ainceas do an fod lili a ndegaid a athgabala dia nana fria a ninurbud a tagur a marbad; muna an do beir riacha inn, .i. cethruime cuic set ina tuiġeċt lair, la aiġin cach

[1] *Above*, i.e. that description of ignorance already referred to in the phrase beginning, "except what is defended by necessity, or ignorance, or difficulty." p. 49, *supra*.

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Or crime.

That is, he did not close the gap, *i.e.* one of them (*the cattle*) hurt another, or itself, or it hurts himself, and this is better. He hurts one of them, and it was not his duty to mind them, and it is not any impropriety in him, or what is lost goes after him into a 'scor'-pound, or a cattle pen, or a 'lis'-fort.

Half fine *is incurred* for each *case of* ignorance.

That is, when one could obtain *information* if he would inquire, i.e. half the five 'seds' for each of the kinds of ignorance which we have mentioned before, and a restoration of the excess which was carried off in ignorance, and a return of the whole restitution if the person whose restitution it is should desire it.

What is the difference between this, i.e. this ignorance and *that referred to in the phrase* "except the three neglects of the pleader *mentioned* above?"[1] The difference is, the 'seds' that it is right to take as distress were taken *as stated* above, and the person[2] from whom the distress was taken was the person of whom the debt was due. *In that case* it was another person that had told him that the debt was due, and that it was not paid, and he did not know but that it was true for him; and he did not happen to commit any illegality in taking the distress; and *as stated* above also it was lawfully carried out, and there is not more than restitution with its double *due* for the debtor, or restitution for the kinsman; and also it was not exempt cattle that were taken *in the case mentioned* above, and it behoveth the judge to say, not whether the debt was due or not, but whether the distress was lawfully carried out.

But here (*in this case*) he happened to commit illegality in distraining through ignorance, and it is not lawful for the advocate not to have a knowledge of those cases, and it is right that there should be *a fine* upon him even though what he claimed is due.

The fourth for every difficulty.

That is, the fourth of the five 'seds' is due of him for everything which we have mentioned before as a difficulty. There is a difficulty for him while his distress is being pursued if he waits till they are overtaken, *and* their death follows, in this case he shall pay fine for it, i.e. the fourth part of five 'seds' for their coming with him, with

[2] *Person.* Literally, "and the person from whom the distress might be taken and who owed the debt, was the person who was distrained for the debt."

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Distress. nae. Ise ainceas fuil ann, ni caemnucuis feas naile don fine, no ni fuais fechium bud cuma dia gabad araile, no ni roibe cuingille techta oca tall, no ni caemnucais cin ni do neimi cetru do gabail.

Cuicead cach ecuibri.

.1. cuicead na cuic fet uad in tan na tarla for cubus fir indligid na mainnriuch in mbuid fo tertuig in mainniur re noul amach, ocus ni fitir a lot tar a eis, ocus nir facuib neach oca coimed. Munur tertuid re noul amach, ocus ni fitir a lot, is leth na cuic fet. Ma fo fitir a lot, is cuic feoit uad ann. Ocus is cinnti cunad trid do cuadur amuga; ocus mas chunntabuirt is let-aithgin.

Aithgin gach edge.

.1. aitgin is in cinuid do nithur fer na hinnilid, ima lecad is in lis a mbiat, no is in mbuailid a mbid, no is in faithe a mbid, in inbuid fo orluicc na hinuta sin aca tabuirt na hadgabala ersid, ocus ni fo iat ar és, ocus tancudur na diaig amach, ocus cinnti cusub trid do cuatur na hinnille amuga, is aitgin. Masa cunntabuirt in trid no nach trid do cuadur, is let aitgina. Masa cinnti cunad trid, is slan.

Cach uair is indligid, let cuic feoit, no cethruime cuic fet no cuicead cuic fet do sinne fechium toicheda im in adgabail, eric a indligid do ic do ocus an athgabail do bet ima lamh no co tincur é im gealladó. Cach uair is indligid cuic feoit no net is mo inait cuic feoit do sinne in fechium toicheda im in adgabail, eric a indligid do ic do, ocus airic na hadgabala uad; no dono cid bec cid mor in tindligid do ni fechium toicheda im in adgabail, eric a indligid do ic do, ocus cin airic a athga-

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restitution of everything. The difficulty is, he was not able *to distrain* any other man of the tribe, or he could not find a law agent competent to take another distress, or they had not the proper pledges within, or he could not but take exempt cattle. Distress.

One-fifth for every *case of* carelessness.

That is, one-fifth of the five 'seds' are due of him when he was not aware of the illegal state of the 'mainner'-pound when he tried it before going out, and he did not know of its being injured afterwards; and he left no one to keep it. If he did not try it before going out, and that he did not know of its being injured, it is half the five 'seds' *that he shall then pay as fine.* If he knew of the injury, five 'seds' are due of him for it. And when it is certain that it was in consequence of it (*the injury done to the pound*) they went astray, *it is a case for restitution;* if it is doubtful, it is *a case of* half restitution.

Restitution *is incurred* for every crime.

That is, there is restitution *due* for every crime that is committed with respect to the cattle, *i.e.* by leaving them in the 'lis'-fort in which they usually are, or in the cattle-pen in which they usually are, or in the green in which they usually are, when he (*the plaintiff*) opened these places in bringing the distress out of them, and did not close them afterwards, and they (*the other cattle therein remaining*) came out after him, and when it is certain that it was in consequence *of his neglect to close the places aforesaid* the cattle went astray, he shall make restitution. If it be doubtful whether it was or was not in consequence *of his neglect* they went *astray*, he shall make half restitution. If it be certain that it was not in consequence *of his neglect*, he is free.

Every time that the plaintiff has committed illegality respecting the distress, he shall pay the 'eric'-fine for his illegality to the amount of half five 'seds,' or one-fourth of five 'seds,' or one-fifth of five 'seds,' and the distress shall remain in his hands until he has tendered pledges. Every time that the plaintiff has committed illegality *to the amount* of five 'seds,' or more than five 'seds' respecting the distress, he shall pay the 'eric'-fine for his illegality, and the distress shall be returned by him; or, indeed, *according to others*, whether the plaintiff has committed little or much of illegality respecting the distress, he shall pay the 'eric'-fine for his illegality,

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Distress. bala uada no cu tincus é cu ngealluib. No dono cach indligeo do dena im in adgabail i nusrudus no cu fia diabluid, in adgabail do bet ina laim, ocus icuid eric a indligid; ocus o fo fia diabluid, lecud uada in adgabail ocus icuid eric a indligid; ocus is ar gabus sin fedait co ndiabluid fri tairsiu techta.

Mas e in fetam fucustus in fechium toicheda les do gabail na hadgabala in fecéam a gabala cu hindligtech, cid mor dindligeo do i saine uaisse, is eric cach indligeo do dena dic do.

Mas é in fethem fuc les inn fethem a gabala co hindligtech, cid mor do indligeid do ni a nínannus uaisse no cid a saine uaisse, munus cloeélid inn fechium, nocha nicund acht eric an indligid is mo do gena.

Ma do sinsiud arsaen indligeid adgabala, in fechium toicheda ocus in taigne, ma fo fecutus arsaen in tindligeid, no ni fetus nectus de, is fiad indligid do coimic doib etusrud.

Maso fitis in dasa de, ani fuil a fis dib dic do, ini uil i naimsis do coimic doib etusrud; no cumad a ic don aigne a aenus gad uais nach fuil fis ag nectus de.

Trian naithgina ar misgabail.

.i. trian naidgina gais; ocus nochan e fein do chuisudus iat isin drochinnull sin, .i. in trian naidgina sin o cach codnuch usrud uile a coitcine a fellcecht fechsaim da ndlegus comar ocus comingaire, .i. ar na ceidsi fectmud im duine, no ar na tri caiced im boin, no na teora cethruime im each, .i. ar in drochgabail itir conu ocus gadaide; ocus ni é fein fo imel drochinnull gaide fodsu.

Usrud sin da ndlegus comar ocus coiningaire, ocus nis bud les in ingaire in la sin, ocus damad les, do biad aidgin uada.

Na huile daine do na dlegus comus na coningaire, cid a lo cid a noidce, ce tisus na hinnile chucud, is slan doib a cus nadaib in conair cetna acht na fuilgit acud iat o ló co hoidce;

and he shall not return the distress until he is tendered pledges. Distress.
Or in 'Urradhus'-law, for every illegality which he shall commit respecting the distress until it (*the penalty*) comes to double, the distress shall remain in his hands, and he shall pay the 'eric'-fine for his illegality; but when it comes to double, he shall return the distress and pay the 'eric'-fine for his illegality; and hence is derived 'Fedhait' with the double in lawful repayment.

If it be the law agent whom the plaintiff brought with him to take the distress that has taken it unlawfully, whatever amount of illegality he has committed at a different time, he shall pay 'eric'-fine for every illegality which he has committed.

If it be the law agent that has brought with him another law agent who has distrained unlawfully, whatever amount of illegality he has done at the same time or at a different time, unless the law agent has been changed, he shall pay nothing but the 'eric'-fine of the greatest illegality which he has committed.

If both the plaintiff and the advocate have committed illegality in taking the distress, if both were cognizant of the illegality, or if neither of them was aware of it, they pay the fine for illegality equally between them.

If one of them knew of it, he shall pay for what he knew, and what he is ignorant of shall be paid equally between them; or the advocate alone shall pay it whenever neither of them is aware of it.

One-third of restitution *is incurred* for leaving *the distress* unprotected.

That is, one-third of restitution *is imposed* upon him; and it was not himself that had placed them in that bad place of defence, i.e. this third of restitution is due of every adult sane native in general of whom joint tillage and joint herding is due, for looking on at anything straying *without preventing it*, i.e. four-sevenths for a man, three-fifths for a cow, or three-fourths for a horse, i.e. for leaving them in a bad plight exposed to dogs or thieves; and it was not himself that left them thus exposed to thieves.

This is *in the case of* a native of whom joint tillage and joint herding is due, but the herding was not his *turn* that day, but if it were, restitution would be *due* from him.

As to all persons of whom neither joint-tillage nor joint-herding is due, either by day or by night, though the cattle should come to them, they are safe in sending them away by the same road, provided that they detain them not with them from day till night;

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Distress. ocus da fairgit, aitgin forrud ina cus naidiu irin oidce; ocus ma dlegus comus ocus comingaire diu, is trian naitgina ina cus naidiu is in lo, ocus aitgin mas is in oidce. Ocus ni do fein rainic in la sin; ocus damud do, ro bud aitgin comslan ina cus uada cid a lo cid a noidce.

Mil atcithus a fochraid chaithe no fri bruinne noidce, ocus is doig a mugud, aitgin fors codnuch muna foirne. Diam demin a mugud, is cethruime dirne la haithgin as a fellced gaithe. Cid fors bis cid fors cuithe atced is ed in cetna fil fais muna be sgiath aga ditin; diambe, is slan do dia ruca i fasc; ma dedbis do cin fasc is slan muna taisce. Is aithgin dia tais a tesursuin. Ma cunntabuirt is led.

Trian naitgina is in mil atcithus fors fechsan itir chomaithe muna hinnestus, ocus tasrad a tesarsuin. Ma cunntabuirt ni taisred, is fesid naitgina fors codnuch innsin.

Ma dedbis gabas de, a innsin beos ssannul deabta, ocus tasce fis muintiri; no sicis dedbis oilceana is lan do, ocus ni dlegus de a foisidin im bunud in mil.

Leth cach fed ro saidsiumus fors mac no ingin in aes ica led dirne, muna taisced no taisred.

Aitgin fors codnuch ma doig lais a dul amuga, ocus ni fil indedbis; dia mbe indedbis, is slan do acd cu ro fasc uad. Aitgin fais muna ro itis; dia mbeis iartain, ocus ni fes in taisred cobuis, is led aitgina fais. Muna fesi a dul amuga, is trian naitgina fors codnuch muna beirne fasc. Ma ruc fasc iartain, ocus ni fes in taisriud cobuis, is fesid naitgina. Ma bo ed, ocus is doig lais a dul amuga, is led aithgina muna beirid a fasc; dia mbeirne is slan do. Ma iartain, ocus ni fes in taisriud cobuis, is cethruime naitgina. Muna fitis a dul amuga, is fesid naitgina muna beirne a fasc; is slan do dia

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but should they detain them, they shall make restitution for sending them away in the night; and if joint-tillage and joint-herding be due by them, they shall make one-third restitution for sending them away in the day, and *full* restitution if in the night. It was not the turn of him *who sent them away* that came on that day; but if it were his turn, there would be full restitution *incurred* for sending them away either in the day or in the night. DISTRESS.

When a beast is seen near a pit or *river* at nightfall, if it be likely that it will be lost, a sane adult shall make restitution if he came not to relieve it. If it be certain that it would have been lost, it is one-fourth 'dire'-fine with restitution *that is incurred* for looking on *as in a case of* theft. Whether it is seen on the brink of a river or a pit the same fine is upon him if there be not a fence to protect it; if there be, he is free if he gives notice; if necessity prevented him he is safe for not noticing. It is *a case of* restitution if he could have saved it. If it be doubtful it is *a case of* one-half restitution.

One-third restitution is due for the beast which is seen straying among neighbours if *the fact* be not told, and that it (*the beast*) could be saved. If it be doubtful that it could be saved, there is one-sixth of restitution *imposed* upon the sane adult for it.

If moreover it be necessity that has prevented him *from giving the aid*, he should then tell of the sudden danger, and *give* notice to a man of the family; or generally if necessity prevents it he is safe, and he is not bound to give relief to the owner of the beast.

Half of every fine which we have mentioned *falls* upon the son or the daughter come to the age of paying half 'dire'-fine, if they have not given notice or saved.

The sane adult shall make restitution if he thinks that it (*the beast*) will be lost, and that no necessity exist; if there be necessity, he is safe provided that he gives notice. Restitution *falls* upon him if he knew it not; if he gives *the notice* afterwards, and it is not known whether he could give help, it is *a case of* half restitution from him. If it be not known that they (*the cattle*) would have been lost, it is one-third restitution upon the sane adult unless he gives the notice. If he gave the notice afterwards, and it is not known whether relief would be given, it is *a case of* one-sixth of restitution. If it be so, and that he thinks that they would be lost, it is *a case of* half restitution if he does not give the notice; if he gives the notice he is free. If afterwards, and it is not known whether he could have given relief, it is *a case of* one-fourth of restitution. If he does not know that they would be

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Distress. mbeirbe. Ma ruc iartain, ocus ni fer in tairrech cobuir, is aile dec aitgina fair. Muna berta etir, ocus ata indechirus, ocus ni fer in tairrigud cobuir, is leth riag for each ae in uair sin.

In inbuid atcí in coánuch in innile oca mbreith do gatuib, no aga marbad do conuib, no aca mbadud do feichib no in uircib, is cethruime dirbe fair in gach gne dib sin.

Ma infocus do caillib no d' feichib no daidcib, is aitgin fair. Ma for merugad a lo atchí, is trian naitgina fair. Ma mac inair ica leth dirbe, no fer let chuinn ocus leth celle atace, is leth cachai rainne diub fo fair, .i. ochtmud dirbe, ocus leth aitgin, ocus ferrud naitgina. Ocus itir comaithe ata in slicht so, ocus cin dechirus amuig no tall innso. Cia bet dechir tall, muna bet amuig, ni ditne ni de beos. Cid dechirus amuig dono, munab dechir tall, ni diten ni de beos, ma doic a frochtuin cin mugud. Ma cunntabuirt laim imurro, is leth gacha rainne fo rairdus fair. Ma dechirus amuic ocus tall, is og slan in gach gne dib, so uile.

Tarc do mna no do mic; ach ecumung innso uile.

.i. a innisin do ninai no do mac ised dlegur an inbuid nar caemnucuir tarairgsin. Is ann is lan doib aindisin. No muna caemnagsuir terairgain no innisin is slan doib a cechtar de, .i. a fuacru do cechtar de, ni dlegur naill dib, ar is dicumuic doib naill act tarca.

Is ann ata in tarc in tan bis in tecumung; munab e in tecumung ní cobuir in tarc. Dia té amuga in fet, leth in trian for in mnai no for in mac muna berut in tarc.

Oeth la cach nerus nerus na nog, .i. nech dia mbi log eniuc dia

[1] *These.*—In the margin of the MS. is found, "S.L.C.F. dixit hoc."

[2] *Notice.*—In the margin of the MS. the letters S.D. are found here.

[3] *An oath.* In C. 2010 the following passage occurs, which throws some light upon this rule:—

"Og aét fri hog eirus, .i. fogul adamthar frund ocus adbeir in ti for a ndernad fair fucad uad ní is mó ina in ní adamtar, ocus cid beac atamtar de is fir ind fon fogail acuirthar and."

Full oath for full eric, i.e. trespass is acknowledged here, and the person upon

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lost, it is *a case of* one-sixth of restitution if he does not give the notice; if he does, he is free. If he gave it afterwards, and it was not known whether he could have given assistance, it is one-twelfth of restitution *that falls* upon him. If he does not give it at all, and no necessity exists, and it is not known whether he could have given assistance, there is half fine upon every one in such a case. DISTRESS.

When the sane adult sees the cattle being carried off by thieves, or being killed by dogs, or being drowned in sloughs or in waters, it is one-fourth 'dire'-fine *that falls* upon him in every case of these.[1]

If it be near woods or quagmires or fords *he has seen the cattle*, it is *full* restitution that is incurred by him. If he has seen them straying in the day, it is one-third of restitution he incurs. If he be a son at the age of paying half 'dire'-fine, or a man of half sense or half reason that has seen them, it is one-half of each of these *fines* that falls upon him, i.e. one-eighth of 'dire'-fine, and half restitution, and one-sixth restitution. This case is between neighbours, and no necessity exists on the plaintiff[a] or defendant.[b] If there be necessity on the defendant, unless it be on the plaintiff, it does not protect (*the defendant*) from it (*the penalty*). And if there be necessity on the plaintiff, unless it be on the defendant, it does not protect *the plaintiff* from any of it (*the penalty*) either, if it be thought *by him* that it (*the distress*) would pass without being lost. But if he deems it doubtful, the one-half of each fine which we have mentioned falls upon him. If there be necessity on both plaintiff and defendant, there is perfect safety in every one of these cases.

[a] Ir. *Without.*
[b] Ir. *Within.*

Notice by the wife or the son; but all these *regulations* are in cases of inability.

That is, the wife or the son is bound to give the notice when they are not able to save. This *giving of notice* exempts them. Or if they are not able to save or tell, they are safe from both, i.e. notice is to be given by either of them, no more is required of them, for they are incapable of aught else save only to give notice.[2]

The notice holds *good* when the person *by whom it is given* is incompetent *to save*; if he be competent *to save*, the notice is of no avail. If the 'sed' has been lost, half the third *shall be the fine* upon the woman or upon the boy, if they have not given the notice.

An oath[3] for every full 'eric,' i.e. one who has honor-price shall

whom it is committed asserts that more was taken from him than what is acknowledged, and though what is acknowledged be ever so small there must be proof of the amount of the trespass claimed.

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Distress. Luga ina diaig fo méd na fiach etir ini dibter an. In tan ir let aitgin for in codnuch, ir anog in éric, uair ir cunntabuirt in tarfurtur, ir aire ir anog. Cunud and ir og cur ba decbir amuig, uair munab decbir robeir aitgin cia bud cunntabuirt tall.

Acht cach follus fo fer einnge no aneinge iar nairilliud.

.i. do gniat fiadain co follus cunud eannucc im na decbirt, .i. o bus follus do fiadnuib ni hecin nech dia mbi log einiuch ainn sin, .i. cunud e airilliudter o na fiadnuib cunud ennuc gach decbir.

Foxul tar ceart: tairiuc cu nearbudaib a torbai.

.i. a druim fri liar o biudbaid tar tairiger cirt, .i. in aithgin cus in torba, ir erbadach di aithgin in bleda ocus gnimraid cach innile, .i. cin nech fadeirin innso, .i. aithgin chintaig no indligtuch gaibtar, ocus ir ail chintuch gaibthar, ocus it bait nod gaibiut, .i. diabliud gnimraid, ocus laeta, ocus nich briter don athgabail, a trom do cintuch in cetnu feda, etrom aithgin nama.

Con gnimradaib cach do roirbe ar baethaib, do cach cairigchiug do rogaibtar friu.

.i. cun gnimraid in caich fo etir imdibartar na baith, aitgin gnimraid, .i. grepull gach rath, no let grepuil gach anrath; ire airiut fo ria co ria cuicc tobaig, fo aicniud na criche.

.i. do cach aen airgithar do gabad ir taur i let riu ir de

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swear after him according to the amount of the debts which is to be deducted. When it is half restitution *that is incurred* by the sane adult, the 'eric'-fine is not full, for it is doubtful whether he could have saved *the beast*, and this is the reason why it is not full 'eric'-fine. It is *a case of* full 'eric'-fine when there is necessity on the plaintiff,[a] for if there was not necessity he would obtain restitution though there should be uncertainty with the defendant.[b] DISTRESS.

[a] Ir. *Without.*
[b] Ir. *Within.*

Except where innocence or guilt is clear by desert *according to evidence of witnesses.*

That is, the witnesses clearly prove *the truth, i.e.* that he is innocent with respect to these necessities, i.e. when it is evident to the witnesses there is no one with honor-price then required *to swear*, i.e. when it is proved by the witnesses that the necessity was real *and not pretended.*

Distraining beyond justice: restitution with defect of profits.

That is, out of a cattle-shed at the 'lis'-fort from a defendant notwithstanding the offer of justice, i.e. the restitution with the profits, the defect of the restitution is the milk and the work of the cattle, i.e. this was for the person's own debt, i.e. restitution is taken from the debtor or unlawful person, and it is from the debtor *himself, not from his kinsman,* that it is taken, and infants take it, i.e. double of the work, and of the milk, and of whatever part of the distress is injured, is *required as* the severity *of the law* against the debtor in the first instance, the leniency requires restitution only.

With payment for the work of all who prevent the infants, *and* for every accusation that is preferred against them.

That is, with *wages for* the services of those who went out and prevented the infants, *i.e.* restitution for their work, i.e. a 'screpall' for every freeman, or half a 'screpall' for every one not having freedom; and it shall extend to the amount paid for levying, according to the nature of the territory.

That is to say, whoever is pursued and overtaken it is he that

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Distress. gaibtiur athgabail, no is e ised sin, no is fris isthus, .i. fer in mbiudbuid, .i. athesur fil sunn for na boethuib, cu tardud athapud ocus ath-toichte, ocus ni dilus uaidib an athgabail cin cu gaibit dligid. Mara mac i naer isu aitgina do sinne in foxul tar cert, aitgin laehta na hathgabala ocus gnimsuid in loehta so tairmisg ag dul ina degaid amach, ocus aisis na hathgabala amuig. Mara mac in air isa let dise do sinne in foxul tar cert, aithgin laehta ocus gnimsuid na hathgabala uada, ocus aitgin gnimsuid in loehta so tairmesg ina diaig amach, ocus aisiuc na hathgabala amuig; ocus let gaca hesicu iscus cosnuch. Mara cosnac do sinne in foxul tar cert, cid a tig in bidbuid, cid ar conuisi, cid sia napud, cid sia trosgud, cid adaid in trosge, cid iar napud, cid iar trosgud, aithgin laehta ocus gnimsuid na hathgabala uad, ocus othsur cach seoit bristur cusub slan, ocus sét ar son aitgina laehta no gnimsuid na hathgabala cén betur oca lesiur cusub slan; ocus cuic seoit ocus diabliud in gaé sét maisiur, ocus cethusida in gaé sét na maisiunn, ocus nocha nsuil enecluid is in broxul tar cert.

Ma thargur dligiud do adaid in trosge ata dilsi a siach uada a trosgud tar dligeb, ocus eisic foxuil tar cert. Mar sia napud ocus sia trosgud do sinne in foxul tar cert, no cid iar napud ocus iar trosgud, mar siar in tresi imceimnigde, cid bed de bess mo, dilsi cacha athgabala ina hindligeb atgabala do ecluis, cu suice dech mbu no dech sétu, no dilsi leti gacha athgabala in hindligeb athgabala do tuatu, co suige cuic ba no cuic sétu; no eisic foxuil tar cert cusuib eb ber uada.

Diabliud tairic do athgabail inbleogain o baethuib.

.i. is é diabliud fuil ann aitgin laehta ocus gnimsuid se taeb
C. 2718. [aithgina na hathgabala] .i. diabliud naitgina uile do inbleogain a trom, in cétna fecht. A étrom is inunn ocus trum cintuig in

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shall be distrained, or shall pay this to them, or the person to whom he shall pay it is the defendant, i.e. there is a return to be made *of the distress* here by infants, until they give a second notice and make a second suing, and the distress is not forfeited by them although they have not taken it lawfully. If it be a son at the age of paying restitution that has made the seizure unjustly, he shall make restitution for the milk of the distrained cattle and pay for the work of the people who went out after him to prevent him, and also restore the distress. If it be a son at the age of paying half 'dire'-fine who has made the seizure unjustly, he shall make restitution of the milk and pay for the work of the distrained cattle, and for the work of those who went out in pursuit of it, and restore the distress to the claimant;[a] and the sensible adult pays half of each 'eric'-fine. If it be a sensible adult that has made the seizure unjustly, whether at the house of the defendant or on the road, either before notice, before fasting, or the night of the fasting, or after notice or fasting, he shall make restitution of the milk and pay for the work of the distrained cattle, and he shall tend each beast that has been hurt until it is well, and a 'sed' shall be given for restitution of the milk or labour of the distress as long as it is under cure until it is well; and five 'seds' and double *restitution* for every 'sed' that lives, and fourfold *restitution* for every 'sed' that does not live, and there is no honor-price for the unjust seizure.

Distress.

[a] Ir. *without.*

If law be offered to him on the night of the fasting he forfeits his debts *due to him* for fasting beyond *what is required by* law, and pays 'eric'-fine for unjust seizure. If the unjust seizure had been made before notice and fasting, or after notice and fasting, if before the three days of grace, the penalty shall be whichever of the two following is greater, viz., the forfeiture of the distress for the illegal taking thereof to the church, until it amount to ten cows or ten 'seds,' or the forfeiture of half the distress for the unlawful taking thereof to a layman, until it amount to five cows or five 'seds;' or else the 'eric'-fine for unjust seizure.

Double restitution of the distress of the kinsman to be made by the infants.

That is, the double which is for it is restitution for the milk and the work besides restitution of the distress, i.e. double of all the restitution to the kinsman-surety is the severity of it, in the first instance. The leniency of it is the same as the severity of the

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Distress. cétna fecht, amuil atrubairtmur .i. tairiuc do inbleogain in athgabail ó baechuib, in diabluid fo fraidiur do chintach.

Tri etrócuir inbleogain, diabluid lachta, ocus diabluid ngnimruid, ocus diabluid anech fo brunntur; ocus diabluid i nech ir lui in cétna fecht, a cutrumur fin in fecht tanuigi ocus leth cuic feoit, a cutrumur fin in tres fecht ocus cuic feoit.

Cid fo dera nach fo imcomur cinuig ocus airi fiaglaiter fo? Nín. Circiurtur, ocus ir éd fo dera in tercceartur uair ir cosnaige doib acrud do dénum ocus inoliged do dénum oc in agra fin ina cin forui.

Cid fo dera cunud mó icuit fri hinbleogain inar fri cintach? Nín. Ir cosnaige dóib acra do dénum for in ti na dera cin fris inar for in ti do roine, ocus ar innracur inbleogain im cinuig nech aile.

Iterde mna mic; ina cét cinuig doib inn fin dian cerub athgabala inn fin. Lech dire nairib mád ala feacht iar mbrethuib forru co tairiuc innrusc cach ae,
C. 2713. [.i. isir lacht ocus gnimraidh ocus colainn.]

Iterde mna mic, .i. inaer ica aitgina, .i. ar ada atgabala orrud inn fin, no ir cet cin curta, uair ir co d—— do gabail athgabala in cach cin ceana, .i. ir do na nechib ir mo ir ainfir, no ir aincear anigin imin ngabáil aith no ada, mad é in dara feacht iar mbreith breithe orru. Cach athgabail inchurta in baile nar dlecht acht ma aitgin dib, let dire la aitgin do bet ann; no dono ir do na nechib ir mó ir aincear im in athgabail let dire orrud inair curta da tucta, ocus nocha tabuirthur in baile a fiacht curud no bet gan bia la cura let dire do bet air ann.

[1] *Competent.* The corresponding word in the MS. was not lengthened out by Dr. O'Donovan. Probably 'codnacha,' competent was intended.

[2] *For it.* In the margin here there is an observation—ni maith int orud graid feine do bi orru in fed fin, "it was not a good order of the Feini grade they had over them at that time." In C. 2366 the various punishments and penalties of children of various ages are laid down. It is stated among various other maxims and rules that when boys have attained the age of paying restitution, their age is

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debtor in the first instance, as we have said, i.e. restitution is to be made to the kinsman-surety of the distress by the infants, the double which I have mentioned to the debtor. DISTRESS.

The three severities, *i.e. severe penalties imposed by the law in favour* of the kinsman-surety, double of milk, and double of work, and double of the thing which is injured; with the double of the thing which is a 'lui' on the first occasion, the equal of it and half five 'seds' on the second occasion, the equal of it and five 'seds' on the third occasion.

What is the reason that this is not regulated according to crime and age? Answer. It is an exception, and the reason that this exception is made is because they are more *in the position of* the sensible adult to institute a suit and be guilty of illegality in that suit than *in the case of* the crime of assault.

What is the reason that they pay more to the kinsman-surety than to the debtor *himself?* Answer. *Because* they are more *in the position of* the sensible adult to institute a suit against the person who has committed no crime against them than against the person who has, and on account of the guiltlessness of the kinsman-surety of the crime of another person.

These are women *and* boys; this is *the penalty* upon them for their first crime in the difficulties of distress. Half 'dire'-fine upon them if for the second time after judgment having been passed upon them, with perfect restitution of every thing, i.e. both milk and work and body.

These are women and boys, i.e. boys at the age of paying restitution, i.e. they are then subject to the conditions of distress, or it is the first crime that incurs castigation, for they are already competent[1] to take distress for every liability, i.e. this is among the things least understood, or most difficult respecting the quick or legal seizure, if it has been done the second time after judgment had been passed upon them. For every distress that is put up where only restitution was required of them, there shall be half 'dire'-fine with restitution *for the second offence;* or *indeed* among the most difficult things respecting the distress is this that half 'dire'-fine should be upon them at the age of punishment, if it be inflicted, and *even if* it is not inflicted where it is incurred, or *even if he is* to be without food *and* with castigation, *still* half 'dire'-fine *is* to be upon him for it.[2]

[1] no longer taken into consideration with regard to crimes, that during the stage of their lives from one till seven they were to be punished by castigation, withholding of food with castigation, and restitution.

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Distress. C. 2713, 2714.

[Maré innetam fuigaitir an fechem tobaig ler do gabail na hathgabala innetam a gabala co hindligthech, cid mor dindlige do né i faine uaire ir eric cach indlige do gena dic dó.

Mare innetam fuc ler innetam a gabala co dligthech cid mor dindlige do ne inunduis uaire no cid faine uaire, muna fo claochlaig innetam, noca nícann acht eric in indligi ir mo do gena.

Ma do finnadar araon indligi athgabala, in fetam tobaig ocus in taigne, maro fedadar araon in indligi, no ni fitir nechtar de, ir fiach indligi do cómic dóib etarru.]

Diabul naithgina nech fo briathra.

.i. diabul dáil; fét ar fon aithgina laicta ocus gnimrud in ai fuit betis oca legius .i. do chintuch ocus do inbleogain; in dubul comlan ir in tres cinud ar ir codnach, uair ir tar taisecin cirt dóib indíu .i. aithgin trian fordón inech brigter don aithgin .i. ir na fétuib diabulta cia toisigid féin cinco toisigit .i. diabul frigin aithgin in dire dlegar a mbrigud na hathgabala, no i forcraid nimana forrud, no diabul dia troisce in tí dar gabad in athgabail co hog, .i. diabul dáil in mbuin mbrigte, ocus bó dáil in mboin mblicht, no flaith nombi, no dono ir do chintach in brigud, ocus ir do inbleogain mbéo. No dono cumu eobu diablad ann fet flan ar fon aithgina laicta no gnimrud in treoit brigte in aigid betar oca legar in fuib brigtar ann. Sic.

Cu fet im umal aile do neoch ber og marus.

.i. cu feoit i muin a céle .i. bó la gach mboin trláin do raig .i. ir na fétuib cetardda cuna torachtuin fén .i. a cutruma leo.

Doneoch ber og .i. do neoch marus dib co hog co comlán, frecra do aithgin gnimrud ocus lachta ocus do colunn aithgina.

[1] *Completely.* That is, fasts during the whole time required by law.

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If the plaintiff carried with him in going to take the distress the intention of taking it unlawfully, whatever amount of illegality he had committed on a different occasion, he shall pay 'eric'-fine for every illegality which he has committed. Distress.

If he carried with him the intention of taking it legally, whatever amount of illegality he has committed either at the same time or at a different time, unless he changed his intention, he shall pay but 'eric'-fine for the greatest of the illegalities which he has committed.

If both the plaintiff and the advocate have committed illegality respecting the distress, if both of them knew of the illegality, or neither of them knew of it, they shall pay the fine for illegality between them.

Double restitution of the thing which was injured.

That is, as much more with it; a 'sed' for the sake of restitution of the milk and work, while *the injured 'seds'* are under cure, i.e. to the debtor and to the kinsman-surety; there is complete double *restitution* for the third offence to be made by one who is a sensible adult, for *the distress was made* notwithstanding the offer of justice by them both, i.e. perfect restitution to be paid *by the sensible adult* of the part of the restitution which is injured, i.e. for the double 'seds,' whether they survived themselves or did not survive, i.e. as much more along with the restitution is the 'dire'-fine which is due for injuring the distress, or for over-driving it, or double *restitution* if the person from whom the distress was taken fasts completely,[1] i.e. as much more with the injured cow, and a cow with the milch cow, or perfect ones *for the injured*, or the injured to the debtor and the live cattle to the kinsman-surety. Or indeed double means a perfect 'sed' by way of restitution of the milk or work of the injured beast while the injured beast is under cure.

With a 'sed' in addition to every '*sed*' that survives perfect.

That is, with one 'sed' upon another, i.e. a cow along with every cow that survives perfect, i.e. for the quadrupled cows when they themselves survive, i.e. an equal number along with them.

That survives perfect, i.e. such of them as survive safe and sound, corresponding with restitution of work and milk and body.

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Distress. Cúic feoit in muin a cinaid gach fochuinn gaibiur tar ceart no dliged. Nach fochunn do fuide ecunn do athgabail if fair a cindefin.

Cúic feoit, .i. cúic feoit if na mainib sin ó cach dedcodnud do roine in cin. Mara codnud gabur in adgabail tar cert if cutruma na hadgabala uada ocus cuic feoit ocus adchur amuil atbér a mbretuib neime; no if co tairdat ad apud nama .i. in athgabail inbleogain diablud uile, no if dib andíf, ocus if na hiú frétuib ata let arid .i. etir ina cúic ocus a trí. Tar ceart no dliged, .i. ini fiachuib cinntacha, .i. im ecinntach. Nach fochunn do fuide ecunn, .i. nach deag codnuch fuidiur in t-écodnuch do gabail adgabala, cuic feoit ar in codnuch ar a fuide nama, cin co derna indligéd fria. Ocus dia ndearna, if a ic on codnuch amuil bid é fein do gnech; no if aidgin on codnuch cáid nech bririur don athgabail ocus cu na bid fmacht fair etir if in indligéd do déna in técodnuch iartain .i. if fair a cin do ni fin for in codnuch cin an indligid do ní int ecodnuch.

Mared in codnuch fo fuidbertur int ecodnuch do gabail nahathgabala, mared a dubuirt fer a gabail cu hinndligtech, no ma fo bí a tuicri cumad cu hinndligted do gebed int ecodnuch fein in athgabail if diachtain fo lan in codnuig and.

Mared a dubuirt fer a gabail cu dligtech, no mad fo bia tuicri cumad co dligtuch no gebed int ecodnuch fein, if diachtain fo lan in ecodnuig ann.

C. 2714. [Nach airliri a mbidh athgabail do na damhchar dligi ni dlegar de dire];—ar ur merle cach nindligiud.

.i. ar if mi airle don cach do ni innndligiud gabáil impe tar gealluib, no don ti fuatur hí gan gelluib gan airge, no if amuil merle fear na hairliri muna timerge cert for fechtumuin.

C. 2714, 2715. [Ma fo gabustar fer na hairlire do laim o fedemain tobaig geall ocus airged do gaba i ó biuba, ocus n f gaba uada; act

[1] *Bretha Neime.* This is quoted in *Senchus Mor*, vol. i., p. 113, as Bretha Neimhedh. It is a law tract given in O'D. 2189, *et seq.*, which treats of the law of persons of distinction.

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Five 'seds' is the fine for the crime of every man of sound mind who distrains unjustly or contrary to law. Every person of sound mind who sends an imbecile to distrain shall be accountable for his offence. DISTRESS.

Five 'seds,' i.e. five 'seds' of these cattle *shall be paid* by every sane adult who committed the offence. If it be a sane adult that has taken the distress unjustly he shall pay the equivalent of the distress and five 'seds,' and return *the distress* as is stated in the 'Bretha Neime';[1] or it is only on his giving of the second notice *that he is bound to return the distress*, i.e. for the distress of the kinsman-surety there is double *restitution* of all, or it is from them both, and in the 'seds' which are unequal, i.e. between the five and three. Unjustly, or contrary to law, i.e. respecting ascertained debts, i.e. *as distinguished from those which are* not ascertained. Every man of sound mind who sends an imbecile, i.e. every sane adult who sends an imbecile to take a distress is subject to a penalty of five 'seds' for the mere sending of him, even if he has not committed illegality in taking it. If he does, it shall be paid by the sane adult just as if he himself had done it; or the sane adult shall make restitution for whatever part of the distress is injured, after which there shall be no 'smacht'-fine upon him[2] at all for the illegality which the imbecile shall commit, i.e. it is for his crime of abetting this is imposed on the sane adult, *i.e.* the crime of illegality which the imbecile commits.

If it is the sane adult that sent the imbecile to take the distress, and if he told him to take it illegally, or if he understood that the imbecile himself of *his own* accord would take the distress illegally, *the sane adult* shall come under full penalty of a sane adult for it.

If he told him to take it legally, or if he understood that the imbecile himself would take it legally, he shall come under the full penalty of an imbecile.

Every 'arlis'-enclosure in which a distress is *detained*, to which its due of law has not been given, is not entitled to 'dire'-fine; for every illegality is as theft.

That is, because it is ill advice for every one to commit illegality in taking it notwithstanding *the offer of* pledges, or for the person who carries it off without pledges or security, or the owner of the 'arlis'-enclosure is like a thief if he renders not justice to the suitor.

That is, if the owner of the 'arlis'-enclosure has undertaken on behalf of the plaintiff to receive a pledge and security from the

[2] *Upon him.* In margin here, no oa beć a oeip leabup eile, "or if there be another book says."

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Distress. ma ro erṁuiġ in biuba re toichiud noliġti, ir cuic reoit ocus eneclann ocus dublad riaċ, ocus dublad mbiṫ, ocus reċtmad marbṫa. Ocus mana ro erṁiġ in biuba re toichiud noliġti irlan do aṫgabail do breiṫ lair. Ir a dá nindhġi adaiġ anaiġi.

Manar gab fer na hairlirri do laim gella ocus airged do gabail o biuba, irlán do biuba aṫgabail do breit ler cin ní do ocus cin ní uada.]

Ilmuine ana aiger nimorṁonaṫ cin fuiṁuch iar friu, cin folluga do neċtar dalma.

Ilmuine .i. irlan don ti ro gaṫ in imraichne in aṫhgaṫail grunn, uair ni neime cethra ro gabaṫ in aṫhgaṫail .i. ir dilmuin dogum na hiana innraigar i nemforṁunn na haṫhgaṫala, no ir dilmuin i neimurraimn raigur indegaiṫ na hana na haṫgaṫala. Cin fuiṁuch iar friu .i. cin fuiṁuch don ti ro gaṫaṫ in aṫhgaṫail, iar mbeṫ a fera aice na himuricrada. Cin folluga .i. im tiaċtain ara ceann .i. in dara fear do breṫ a fairce, ocus in fear eile da fuarlucuṫ .i. no cid beaṫ de folluigiur ir riachuch.

Má fechium folluigur, ir é icur fogelta ocus ni fitir in tí ira hinnile. Madia fertar fide, ocus ni fitir fechium ir e icur fogealta. Ma fir doib andir, icuit fogelta andir fri fairche naile, ocus nirta ni ma ina fairchi fein.

In rann tic indegaiṫ na haṫgaṫala, ma in fer ir a fet folluigur, leṫ na cuic fet fair ocus fogelta, no ir foigealta nama. Ma in fear rod nug folluigur iar na fir cin a breiṫ for culu uada, leṫ dono na cúic fet fair. Ma fir doib diblinuib ni hicur ni ann.

In imurcruiṫ tainic indegaiṫ na haṫhgaṫala amach, mat chunnuic in fechium toicheda hi, már ar in conuir do cunduic hi ir a mbeṫ amuil in fechium firite iad. Ma rangutar ler co ruice a teach ired dlegar de a coimed, ocus a fargg do breiṫ. Ocus

1 *That follow.* In the MS. an aliter spelling of the word in the original is also given "nemfurṁium."

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defendant, and they have not been accepted of from him; but if the defendant has waited for lawful seizure, *the penalty* shall be five 'seds' and honor-price, and double debt and double food, and the seventh of what was killed *upon the owner of the enclosure.* But if the defendant has not waited for legal recapture of the distress *the other* is safe in taking his distress away with him. There are two illegalities face to face (*balanced against each other*). Distress.

If the owner of the 'arlis'-enclosure did not undertake to receive pledges and security from the defendant, the defendant is safe in taking away his distress without anything *to be paid* to him or by him.

The excess is pardonable when not detained after knowledge had, or neglected by either party.

Pardonable, i.e. it is safe for the person who took the cattle that followed in distress here, for it is not exempt cattle that were distrained, i.e. he is not accountable for any number of cattle that follow[1] the distress, or he is not amenable for the excess that follows after the driving of the distress. When not detained after knowledge had, i.e. not detained by the person who took the distress, after he had known of the excess. Or neglected, i.e. as to coming to meet it, i.e. *to mind it*, i.e. the one man to give notice of it, and the other to redeem it, i.e. or whichever of them neglects is amenable.

If it be the plaintiff that neglects, it is he that shall pay for the *expense of* feeding when the owner of the cattle is not aware of it. If he, i.e. *the latter*, is aware of it, and that the plaintiff is not, it is he that shall pay for the *expense of* feeding. If both knew of it, both shall pay for the *expense* of feeding in another man's green, but there is nothing *to be paid* if in their own green.

As to the part *of the cattle* which come out after the distress, if it be the man whose cattle they are that neglects them, he shall pay half the five 'seds,' and for the *expense of* feeding, or for the *expense of* feeding only. If it be the man who carried them out that has neglected, after knowing that they were not brought back from him, half the five 'seds' shall be upon him. If both knew of it, nothing shall be paid for it.

As to the excess which came out after the distress, if the plaintiff has seen it, if he has seen it upon the road, it shall be as 'Sechium sirite.' If they came with him as far as his house he is bound to mind them, and give notice of them. There is nothing due to the

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Distress. nocha nfuil ni do cintuch i neam mbreith an fairc, acht ní tét fogelt na blet ina lobad ina ceann no cu fucthar a farc. Ocus atait cuic feoit do inbleogain i neim mbreit in fairce, ocus nocha tét fogelt fil. Ocus ó bertar a farcc fogelt ocus blet do futh fria i coimreim fus in athgabail, ocus lobud do dul ina ceann iar ndul na hathgabala a lobud; ocus nocha nfuil anad na oithim do fiagail uirre iar sin. No dono cuna bet éric do chintach ná dinbleogain i neammbreith a fairc, act ni tet fogelt na blet ina ceann no cu fuctar a farcc.

Coimdire gach naes i fogelta.

.1. is commor ini is dir i cin in mil bic ocus in mil moir a nglet in feoir oc, indaite indligid ar in duine nach deachuid dfuaslucud a athgabala. Cunu cutruma fethiur fogelt air i cinuid mil bic ocus mil móir; no daithe a indligid ar in comaithe nar coimed a innele ar fearann a comuigthig, cunu cutruma ata fmacht air i cinuig mil big ocus mil moir.

Caite dethir etarruid sin ocus in baile ata is in inad aile cun ngealut da dartuid fri fo dam, ocus cungelut da dartuid fech fo dam? Im comhairium a tir ndiburd ata fide ocus im coimecair a fearann acus ocus fenathar funn; imurro im comaitceas ocus im athgabail ata annso.

Cungeling in fri fiacuil.

.1. comgeltar érics for ingelt im mil mbic amuil erics fiacuil in mil moir. Fodailter bec i mbecuib .i. ma luga inait na fecht nadmunna coir cemud luga in da miach.

[1] *At the same rate as with the distress.* Dr. O'Donovan gives the following explanation of the matter here referred to:—"If after the plaintiff has legally taken and driven out a distress to the full amount of his claim, other cattle follow the distress, having passed over the fences (without any fault of the distrainer, who had closed the gates and had left no gap in the fence), and came after the other cattle as far as the house of the party distraining, then the party distraining might keep them as a part of his distress, but he should feed and tend them as well as the cattle which he had legally distrained, and also send notice to the defendant that such

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debtor for the non-giving of the notice, but neither *expense of* feeding, nor of tending, nor forfeiture shall accumulate upon it until the notice is given. There are five 'seds' due to the kinsman-surety for the non-giving of the notice, and neither *expense of* feeding, &c., shall accumulate. But from the time that the notice is given *expense of* feeding and tending shall accumulate at the same rate as with the distress,[1] and forfeiture shall be added to it when the distress shall become subject to forfeiture; and there is neither stay nor delay in pound to regulate it afterwards. Or, *according to others*, there is no 'eric'-fine due either to the debtor or the kinsman-surety for the non-giving of the notice, but neither *expense of* feeding nor tending shall accumulate upon it until the notice is given. DISTRESS.

There is equal 'dire'-fine upon *cattle of* every age in *the expense* of feeding.

That is, what is due for the damage of the small beast and of the large beast in feeding on the grass is equal, in revenging his illegality upon the person who did not come to redeem his distress. The feeding of the small beast shall amount to the same sum as that of the large beast; or to revenge his illegality upon the neighbour who has not kept his cattle from the land of his neighbour, for which he pays equal 'smacht'-fine for the trespass of the small beast and the large beast.

What is the difference between this and the other case where it is stated that two 'dartaidh'-heifers graze as much as a great ox, and that two 'dartaidh'-heifers graze more than the great ox? In that case it relates to the calculation of the hereditary property and the arrangements of the lands of father and grandfather; but here it relates to co-occupancy and distress.

Equal fine for the damage by every beast in grazing.[a]

[a] Ir. *Every tooth.*

That is, equal 'eric'-fine[2] is exacted for *damage in* grazing in the case of the small beast as for *damage in* grazing of the large beast. Small is distinguished in the case of small *animals*, i.e. if less than the seven 'nadmunna'-beasts, it is right that the two sacks should be less.

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cattle had followed him, and were in the pound along with the legal distress. The owner of the cattle might then redeem them at once; but if he neglected to do so, they remained as a part of the distress until the time of forfeiture arrived, when they were sold to pay the debt, and the price of fodder and attendance."

[2] '*Eric*'-*fine*. In the original MS. "eric" has a stroke under it, which in the MS. is also placed under words obviously repeated by the mistake of the scribe.

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Distress. C. 2716.

[Fiachach gach fullaidh do cechtar dalma gil.] nach dima dechbir.

.i. muna roib decbirus tursuid oca eimdidin in bidbuid, ir ann atait na neche sin do sith ser in athgabail, uair da roib tursuid air nocha rochaid fogelt na blet ina lobud i ceann athgabala. Miach ar gach naen anmann do innile cintuig ocus athlumpuire di. Miaċ ar fecht n anmunna do innilib inbleogain ocus sinn feoir doib. In luaġ sir fognuma, nocha nsuil decbir chintuig na inbleogain uime side, act mar ealadnuċ so bui oca coimed fsrepull do ar laithe aicenta. Mar aimealadnuċ so bui aga coimed nogi no gebinn ir let fsrepull do ar gach laithe aicinta.

Acht arsuig fogelt so miad naisme ocus se.

.i. acht taisisig fogelt ocus bleċ, ocus lobud do dul ina ceann so uaislatuig .i. so med na haisme, ocus son comut see so bui amuig hi tursuid sin táinic i naimsir lobta ocus saesuid ar lobud hi, ocus nocha saesunn ar fogelt, nach ar bleċ, ocus ini nach sachuid a lobud do dul a cosbuib siach.

[G]aibiut baetha cachta indliged.

.i. ir taidbi baisi don sir cachtur in athgabail dia toisctes gealla ocus etise do.

Cethardda sris gaibiut a cethirslicht .i. da focul ocus da forngabail .i. diabluid na hathgabala na foxul cid amuig cid anall tar ceart, ocus ir inunn do ceċtur de i forngabail dia saile um na cuic fecuib.

Mar aga forus bedein so gabustur in fechium toicheda im in athgabail tar gealluib ocus tar airgib, ir cuic feoit ocus diabluid uad. Mar ar conuir so gabad uimsid ir cuic feoit ocus diabluid uad, ocus ina suc les taisis ir esic foxuil tar ceart.

[1] *Forfeiture.* In the MS. lobud has a stroke under it, which in the MS. is also placed under words obviously repeated by the mistake of the scribe.

[2] *The original debts.* This is stated differently in C. 2716. "That is, he retains the remnant for *expense of* feeding and tending, if there be less than five 'seds' on the last night, i.e. he keeps to himself the remnant of the distress which did not

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Every 'fulladh' of either party is amenable, &c., which necessity does not save. DISTRESS.

That is, unless there is necessary exemption to protect the defendant, these things shall run, *i.e. accumulate* upon the distress, for if he had exemption neither *expense of* feeding nor tending nor forfeiture shall accumulate upon the distress. A sack for every beast of the cattle of the debtor to which a field of eaten-down grass is given. A sack for seven 'nanmunna'-beasts of the cattle of a kinsman-surety to which top-grass is given. As to the wages of the attendant there is no difference of debtor or kinsman-surety about it; but if it was a skilled person that was minding them, he shall get a 'screpall' for every natural day. If it was an unskilled person, or a lock or fetters, that kept them, half a 'screpall' shall be paid for it for every natural day.

But expense of feeding shall be paid for, according to the greatness of the number and the *length of* time.

That is, but *expense of* feeding and tending and forfeiture[1] shall accumulate upon it according to its importance, i.e. the greatness of the number and the length of time that it was out in consequence of exemption, during which the period of forfeiture arrived, and it frees it from forfeiture, but it shall not free it from *expense of* feeding or from *expense of* tending; and the part of it which does not go in the forfeiture shall go in *i.e.* to *pay* the original debts.[2]

Fools make illegitimate impoundings.

That is, it is an exhibition of folly in a man to impound a distress if pledges and a hostage be offered him.

There are four things which they oppose in the fourfold *law*, i.e. two distraints and two recaptures, i.e. double of the distress for its unjust taking, whether by plaintiff or defendant, and they are both alike in re-distraining each other as to the five 'seds.'

If it was at his own house the plaintiff detained the distress, notwithstanding the offer of pledges and securities, five 'seds' and double restitution are due of him. If it was on the road he took it, five 'seds' and double are due of him, and if he has carried it with him beyond *both*, he shall pay 'eric'-fine for unjust distraint.

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become forfeited until *expense of* feeding and tending it are paid for. Or he retains the remnant which did not go for *expense of* feeding and tending to go for *the liquidation* of the original debt."

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Distress.

Mas a ndrúim frí liag frogabustus impe no is in mbac nachad, is cuic feoit uad, ocus ma fuc les taisius is éisic foxuil tar ceasts uad. Masa drúim frí liag no is in mbac n-achad fo fuaduigustus in bidbuid in adgabáil gin gealladh gin aisge, is cuic feoit uad; ocus eineclann ocus láinfiach gaiti for in fechemuin toicheda ma fo imis taitius fuisse.

Mas as conuis fo fuaduigustus hi is cuic feoit ocus eineclann; ocus as e sin in tseasmad a fadbuithus eineclann innti; .i. foenel forus do dénum di don fechemuin toicheda, ocus gabail don fechemuin toicheda impe cin gealladh cin aisge do gabail don bidbuid; da indliged in fechemun toicheda innsin anuas. A foxul a faithe in fechemun toicheda don bidbuid gin gealladh gin aisge do tobuisit don fechemuin toicheda; ocus is as gabus sin, inti do nusfuid dliged fri uid log einiuch fis ita faidbri, cunach cora eineclann do bed ina fis fuisiuch for conuis inas abed, ina fuatuch uad otha a ted.

Mas ag forus in fechemun toicheda fo fuaduigustus in bidbuid hí gin gealladh gin aisge, is cuic feoit uad ocus diabluid.

Dorli fuinniul forus fiach gaiti: gnim taige taig cach aisceltа nadoige dliged.

Dorli .i. tuillter, no aisillnigtus. Fiach taitiusa as in ti fucustus in athgabáil as foeniul on forus no on arus fo cus in arus eile .i. cúic feoit ocus einiucluind ocus diabluid isin foeneal forus, ma tasgus dliged; do muna tasgus dliged, is cúic feoit, no cin co tasgus dliged cumbed fo.

Lanlog einiuch don fis ita faithe ma fo arisacht frus, ocus cuic feoit ocus diabluid do biudbuid, ocus is iat nelo apuid ocus throisce, ocus is frus in letgabail dubulta fiaguilter tuas, cuniu a da nindliged aduid i nadud. Ocus a bunud fiach do fechemuin toicheda, ocus cuic feoit do bidbuid ocus aithgin lacta ocus gnimfuid, dia mbe.

Ised is fuinneal forus ani fo bu dis do breit re forus budein do breit re forus dona feacht foirfib, ocus ni fo bu dis

[1] *From one 'forus'-pound to the other.* In C. 2717, 2718, faonal forais is defined thus:—To bring what ought to be brought to his own 'forus'-pound into one of the seven 'forus'-pounds, or to bring to his own 'forus'-pound a thing beyond the value of his honor-price.

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If it was in a cattle-shed or in a paddock he has taken it (*the distress*) five 'seds' are due of him, and if he has carried it beyond *them* it is 'eric'-fine for unjust distraint that is due of him. If it was from a cattle-shed or a paddock the defendant carried off the distress without pledge or security, five 'seds' are due of him; and the plaintiff shall pay honor price and full fine for larceny if he has committed any concealment respecting it. DISTRESS.

If it is on a road he seizes and carries it off, he shall pay five 'seds' and honor-price; and this is the third instance where honor-price is found *to be paid* for it; i.e. the plaintiff having removed the distress from one 'forus'-pound to another, and the plaintiff having taken it without accepting of pledge or security from the defendant, the plaintiff has been guilty of two illegalities above. To be carried away from the green of the plaintiff by the defendant without giving pledge or security to him *is illegality on the part of the defendant;* and that is taken from this *maxim*—"When one urges the law to obtain the honor-price of a man for his wealth, it is not more proper to have honor-price for *seizing the distress while* remaining upon the road than for carrying it off from his house."

If it was from the 'forus'-pound of the plaintiff the defendant has carried it off without pledge or security, he shall pay *a fine of* five 'seds' and double *restitution.*

Flitting from the 'forus'-pound incurs the fine of larceny: the deed of every distrainor who does not submit to law is *regarded as* concealment.

Incurs, i.e. it merits or deserves. The person who carried the distress wandering from one 'forus'-pound or habitation to the other[1] habitation incurs the fine for concealment, i.e. five 'seds,' and honor-price and double *restitution are the penalties* for flitting from the 'forus'-pound if law was offered to him; if law was not offered, it is five 'seds,' or this *fine* shall lie even though his right has not been offered.

There is full honor-price due to the man who owns the green if *the distress* has been secured by him, and five 'seds' and double restitution to the defendant, but this is after the evading of notice and fasting, and it is by the double half-seizure it is regulated above, so that there are two illegalities face to face. And the plaintiff is entitled to the original debt, and the defendant to five 'seds' and restitution for the milk and work, if such there were.

'Fuinneal foruis' means to bring to one of the seven 'forus'-pounds what ought to have been brought to his own 'forus'-pound,

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Distress. do breith fuigfide do breith re forus buadéin. No dono ised is fuinnel forus ann ni don log eniuch tall do breith fisin aigabáil amach, no ni don athgabáil amuich do breith fis in log enech anunn. Cuic feoit ocus eneclann dic ann.

Is ann ata eneclann ann i ninbuid fo gabustus impe ar tus tar gealluib ocus tar aisgib, ocus munus gabad nocha nfuil act cuic feoit uad.

[Di]gus tairsiuc diabul aithgina.

.i. dlegar a tairsiuc na hathgabála ocus log eniuch dris na faithche, ocus cúic feoit do fechemuin, cu nat apud in fo; ocus dia tuccus apud ocus trogcud is diablud na cét athgabála, uair fos dligh hi uile, ocus log eniuc don aigne, ocus ari a faithe nach eile, no cid dia faithe buadéin, ocus cuic feoit; ocus is i fuinn na cuic fet—trian do fis faithe, ocus trian do fis na hathgabála, ocus trian don aigne.

Dilus cu cuic fecuib ifelb n-aigned.

.i. in letgabail ocus na cuic feoit, ocus a fuinn andé etusfa; no is trian don aigne .i. ari in ainmfuinne beisiur .i. fiad inoligéd athgabala innsin. .i. is dilus cusuice cuic feoit dia felb in fechium ocus in aigne degines imin ae imin caingin .i. cuici tobuig dligur.

Cid ima ndebuisitsium a felb an aigne, uair ní do atá in fiach inoligéd athgabála? Is é in fat fodesa, uair is do na cuic fecuib do besar is in inoligéd athgabála do besur loigidect a toxuil do, .i. da trian na cuic fet sin do fechemuin toicheda, ocus trian do aigne toxuil, dá trian cotuc aigne toxuil do aigne fechemnuis; no dona cunabet ní do na haigneduib etir, act abet do na fechemnuib uile, .i. fuinn ari do itir aigne toxuil ocus aigne tagsa; no a let do aigne ocus a leth do fechemuin toicheda; no a leth do aigne na fecheamnuis ocus a leth don fechiumuin toicheda.

Sic.

[1] *Honor-price.* The definition of 'logh-enech' will be found in C. 224, 689, and in O'D. 1845. It is the same as 'eneclann.' The definition of 'fuinnel forus' in C. 2717, 2718, is much clearer than the above. *See* note [1], p. 78.

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or to bring to his own 'forus'-pound what ought to have been brought to them. Or flitting from the 'forus'-pound is to bring a part of the honor-price of the defendant[a] with the distress out, or to bring a part of the distress *from* the plaintiff[b] with the honor-price[1] of the defendant. Five 'seds' and honor-price shall be paid for it.

[a] Ir. *Within.*
[b] Ir. *Without.*

The instance where honor-price is due is where it (*the distress*) was seized at first despite of pledges and securities *which were tendered*, but if it has not been so seized there are only five 'seds' due of him (*who distrains*).

The double restitution should be restored.

That is, it is right to restore the distress and *to pay* honor-price to the owner of the green, and five 'seds' to the law agent, this is with second notice; and if notice is given and fasting *takes place*, it (*the penalty*) is double of the first distress, for it was all due, and honor-price is due to the advocate, and five 'seds,' whether it is in another man's green, or in his (*i.e. the person who distrains*) own green; and the five 'seds' are divided *thus*—one-third *is given* to the owner of the green, and one-third to the person who distrains, and one-third to the advocate.

It is lawful to have as much as five 'seds' in the possession of the advocate.

That is, the half-seizure and the five 'seds,' and they are divided into two parts between them; or one-third *is due* to the advocate, i.e. for the proportion which he obtains, i.e. this is the fine for illegal distress, i.e. it is right that five 'seds' of his possession should reach the law agent and the advocate who pleads about the cause *or* covenant, i.e. he is entitled to the share of the man who levies.

Why does he (*the author of the law*) say "in the possession of the advocate," for the liability on account of the illegality of the distress is not on him? The reason of it is, that it is out of the five 'seds' which are paid for illegal distress that his fee for driving out is paid to him, i.e. two-thirds of these five 'seds' are due to the plaintiff, and one-third to the distraining advocate, and two-thirds of the share of the 'aigne toxail'-advocate to the 'aigne Fechemhnuis'-advocate; or else that nothing is for the advocates in particular, but that it all goes to the law-agents, i.e. it is divided in two between the 'aigne toxail'-advocate and the 'aigne tagra'-advocate; or half to the 'aigne *toxail*'-advocate and half to the plaintiff; or half to the pleader in the suit at law and half to the plaintiff.

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Distress. Ni hacluid fuata nachgabala dina .d. dligi.

.i. ni bi in glinne cetna frus i ngaibtus in athgabail a forus ar a chinn tall, co tabuirfum iarum atgabail lais, uair ni bi inglinne a brus ar a cinn .i. im fmacht nach im diablud .i. comarlougad fil funn itir na da indliged .i. in dublud in aduig araile, ocus in atgabail do airiuc amuig.

Dilmuin do boethuib nad nairliut gaith.

.i. ir dilmuin in tan nos gaibiut na baith, cu tucthus ath apud impe uair nach a chomuirle in gaith ro gabfut.

Ir dilmuin atbeir funn do na hecodnuchuib muna gabtus geallad uatib; dia fuatuigiut in athgabail leo iartain, ni dir in athgabail do gabail iartain cu tardud atapud impe. Ni hecin imurro attoicheb for in codnuch mad iat na hecodnuig tírat do tairgrin geall ocus aruch tar eri na hathgabala. Muna gaibthur uaitib, ir flán doib a fuatuch amuich, ocus ire cuit in dilmuin ir ecin attoicheda iumpa.

Mara codnuc do cuaid druarlucud na hatgabala ocus tariguid gealla ocus airge tar a ceann, ocus nir gabad uad, flan do a fuarlucud no a fuatad, ocus a gabail amach ar ir hi gan athtoicheb.

Mar ecodnuch do cuaid druarlucud na hathgabala, ocus ni hiat a codnuig a dubuirt riu, ocus tarigatur gealla ocus airge tar a ceann, ocus nir gabad uaitib, ir flan doib a fuatuc, ocus nocha gabur amach ar ir hi gan athtoicheb.

Mar ecodnuch do chuaid do gabail na atgabála, ocus iriat a codnuid ro chuir iat, ocus ir eb a dubrad riu a gabail cu dligtech, no noca ndebrud riu a gabail cu dligtech na cu hindligtech irlan fo aicned na necodnuch dic in gach indligeb do denuit. Mar eb a dubrad riu a gabáil cu hindligtech, ir lan fo aicneb na codnuch dic ann.

Mar e in fetium ruc duine ler do gabáil na hathgabála, cad

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A man cannot sue for the recapture of a distress to which he did not give its due *allowance.* DISTRESS.

That is, he (*the defendant*) does not incur the same *liability to give* security as if the distress was taken into a 'forus'-pound by the plaintiff,[a] and so he takes his distress with him, as there is no *liability of* security at this side before him, i.e. respecting fine or double *restitution*, i.e. there is a balancing here between the two illegalities, i e. one against the other, and the distress must be restored to the plaintiff.[a]

[a] Ir. *Without.*

The infants are guiltless where they have not been instructed by the sane.

That is, the infants are guiltless when they have distrained, and notice of it is to be served again because it was not by the advice of the sane they distrained.

The *adults who were* not sensible are here said to be guiltless if pledges have not been accepted from them; if they carry off the distress with them afterwards, it is not right to *re*-take it afterwards until notice is served again. But it is not necessary to re-sue the sensible adult, if it were not sensible adults that came to offer pledges and securities after *the taking of* the distress. If they have not been accepted from them, it is safe for them to carry it out, and the force of the 'guiltless' is, that it is necessary to serve notice on them again.

If it be a sensible adult that has gone to get back the distress and offered pledges and securities for it, and they were not accepted from him, it is safe for him to take back or carry it off, and it shall not be carried out again without a second notice.

If it be adults *who are* not sensible that have gone to get back the distress, and it was not their sensible guardians that had told them *to do so*, and they offered pledges and securities for it, and they were not accepted of from them, it is safe for them to carry it off, and it shall not be carried out again without a re-suing.

If it be adults *who are* not sensible that have gone to take the distress, and that it was the sensible adults who had sent them, and that they had been told to take it lawfully, or that they had not been told to take it lawfully or unlawfully, full *fine* shall be paid according to the class of the adults *who are* not sensible for every illegality which they have committed. If they had been told to take it unlawfully, full fine shall be paid for it, according to the class of the sensible adult.

If it be the party to the suit (*the plaintiff*) that has brought a

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Distress. indligeḋ co nicfud do denum impe, cid i naimfechd cid i ndegaid a chele, nocha nfuil ni uaḋa acd lan in indligid if mo diḃ.

Mas é in fechium fuc les dligeḋ do denum uimpe, gaċ indligeḋ do dena uimpe maimfeċt ifan in indligeḋ if mo diub uada. Caċ indligeḋ do déna iar faine feċta if a nic uile. Cach indligeḋ do denuid imasaoen impe, fechium doicheda ocus aigne, cu fius doíb imasaen, if a ic don fechemuin doicheda aenus. Cach indligeḋ do denuid gan fis doib imasaen if a ic don aigne aenus. Mas a fis ag neċtus de, in ti aga mbia a fis a íc do aenus.

Gabail etechta.

.i. fos conuis, no gabail impe cu hindligṫeċ cin a lecud isin mbac nachuid, uais ata eisic ina fechmulluiḋ ocus ina nemlecuḋ a cain, ata eisic ina nemlecaḋ i nusfiadus, ocus nocha nfuil ina feachmullaḋ.

Ocht ainbfius no aincheas, 7sl.

.i. aincid na deċḃaire in cintuch as fogeallta i naimsis fogelta, ocus aincid as dithim i naimsis dithma, ocus ni aincid as fogelt nach as bleḋ.

Cais cis lis uais achgabail do fecheamnuiḃ. [C]isne ausgaust fechiumnuis? Nín. Deosuid, does, díthis.

.i. in tan fo fetut cin log fechiuman eile is ann ata so; ocus muna fetut, is dligṫec doiḃ fein tacsa a caigne. Ocus mad ecin do neċtus in da fechimuin log as fecheam do tacsa, is e biudbuiḋ do beis muna fagba fechium doicheda cin log. In oisiud dia do geb in tuaṡal neaċ bus cutsuma ses in isul, cin log, do tacsa a caingne, is e do gebid, uais is uscuillte don isul in tuaṡul im ċaingin.

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person with him to take the distress, as regards every illegality which he, (*i.e. that person,*) may happen to commit respecting it, whether at once or at different times in succession, nothing shall be *recovered* from him but full *fine* for the greatest of these illegalities.

If it be the party to the suit (*the plaintiff*) that took *a person* with him *to take the distress* lawfully, as to every illegality which he shall commit respecting it at the same time, he shall pay full *fine* for the greatest of these illegalities. As regards every illegality which he shall commit at a different time, he shall pay for them all. For every illegality which both shall commit respecting it, *i.e.* the plaintiff and the advocate, both knowing of it, the plaintiff alone shall pay. For every illegality which they shall commit without the knowledge of both, the advocate alone shall pay. If either of them is aware of it, the person who is aware of it alone shall pay for it.

Unlawful seizure.

That is, upon a road, or to take it unlawfully without letting it into the paddock, for there is 'eric'-fine for *taking advantage of* the neglect and *for* not letting it *into the paddock*, in 'Cain'-Law, there is 'eric'-fine for not letting it *into the paddock*, in 'Urradhus'-Law, and there is not for *taking advantage of* the neglect.

Except ignorance or difficulty, &c.

That is, the necessities protect the debtor against *expense of* feeding in the time of feeding, and they protect him against delay in pound in time of delay in pound, but they do not *then* protect him against *expense of* feeding, nor *expense of* tending.

Question—How many are the difficult distresses to the law agents? Who are they that are prohibited from acting as law agents? Answer—A stranger, a bondman, a landless man.

That is, this is the case when the parties are able *to plead their cause* without paying another law agent; and if they are not able *to pay*, it is lawful for them to plead their own cause. And if either of the two parties to a suit is obliged to fee an advocate for pleading, it is the defendant that shall pay, unless the plaintiff can procure one without a fee. As long, however, as the man of the upper class obtains *an advocate* equal *in rank* to the man of the lower class, without fee, to plead his cause, it is him he employs, for it is prohibited to the

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Distress.

Mada fagba imurro int iral, cin log, uarul bus cutruma ner in uarul eile, cuirnibed ber im caingin frir; no ir berut araile ugdoin, cumud lair in uarul cuinge a cutruma i nadaid in iruil, cid é acrus cid é acusrthus, cia do beraid log cin co tuca. Drem dib sin nocha dlegar diub tiacdaim dacra a caingne fein no caingne nech eile, cid neac eile cin log cin cu fagaid; ocus da tirad atait cuic feoit uaithib.

Drem eile diub dlegar díub tiacdaim dacra a caingne fein muna fagbaid neach eile cin log, act icaid eiric i nindligud do denaid tall iartain; ocus nocha dlegar díb tiacdain do acra caingne nech eile cu log no cin log, cin cu fagbat; ocus da tirad atait cuic feoit uatha.

Ar ni feagat a nachur a fine.

.1. cia nor nagta cuir no cunnradda, no cid arad nor gabad oc gabail nathgabala, do doegata fine foe.

Duine fo anuas ir urcuillte do gabail athgabala ocus drechiumnus im in cain, ocus nocha nindligtech neamurfoemud a doicheda, na nemlecad do gabail atgabala, no drechiumnus imin caingin im leas nech, no cu tucuid da indligtecha leo, da fagaid iat [ar comlog no anaisci, ocus muna fagbaid] ir dib a doichetd drurfoemud, ocus a lecud do gabail athgabala, ocus drechiumnus imin caingin; ocus da ndernа indligad ir eric a indligi dic doib.

Mas ina leas fein, nocha nindligtec neamurfoemud a doiche na lecud do gabail athgabala, na dreciumnus imin caingin no cu tucuid daine dligtecha leo, da fagaid iat cin log; no muna fagbat, ir dib a doichetd drurfoemud, ocus a lecad do gabail athgabala ocus drecimnus imin caingin; ocus da ndernud indligad, ir eric a indligid dic doib.

Ach be nach aile do rona a lera fobith fine fiachuige.

[1] *Equal rank*, i.e. one of equal rank with the man of lower class.

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lower classes to plead against the upper classes in any cause. If, therefore, the man of the lower class can procure a man of the upper class, without fee, equal *in rank* to the other (*his antagonist*), it is he shall plead his cause; or, as other authors say, it is the duty of the man of the upper class to seek one of equal rank[1] to plead against the man of the lower class, whether it is he that sues or is sued, whether he gives a fee or does not. Some of these (*the upper class*) are not bound to come to plead their own cause or the cause of another, whether they procure another person without fee, or with *fee;* and should they come *to plead*, five 'seds' are due of them. DISTRESS.

There are others of them who are bound to come to plead their own cause unless they procure another person without a fee, but they shall pay 'eric'-fine for the illegality which they shall commit in the suit afterwards; but they are not bound to come to plead the cause of another person for fee or without fee, whether *the other person* can procure *an advocate or not;* and should they come, they shall pay a fine of five 'seds.'

For they cannot enter into any engagement which the tribe cannot set aside.

That is, though they have entered into covenants and contracts, or whatever security they may get in taking distress, their tribe can oppose it.

The above are persons who are prohibited from taking distress and pleading a cause, and it is not unlawful to oppose their suit, or to prevent them from taking distress, or from pleading a cause in behalf of another, until they bring two persons allowed by law with them, if they can find them for a fee or gratis,[2] and if they *cannot* find them, it is right to assent to their suit, and to permit them to take distress, and to plead a cause; but if they be guilty of illegality they shall pay 'eric'-fine for their illegality.

If it be in their own behalf, it is not unlawful to oppose their suit, nor to prevent them from taking distress, nor from pleading a cause until they bring persons allowed by law with them, if they can procure them without a fee; or if they do not, it is right to assent to their suit, and to permit them to take distress and to plead a cause; and if they commit illegality, they shall pay 'eric'-fine for their illegality.

Who has not another to act in his behalf on account of a tribe liability.

[2] *Gratis.* The Irish for this is inserted from margin.

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Distress. .i. nocha nfuil aice neac eile dogne e, no ni fagbuit neach eile dfechiumnus a cainGin i nairce no ar a comlog, ir ann do niat fen fin.

Fobit fine fiachuiGe, .i. fodaiG na fo fiaċuiGtus im cinuid a fine, no na fo moide fech na fine in luċt fo im cainGin friu [.i. ar bit forru do borat ocus do borar did conaċ roicet].

No ir beir ir doeit breitemuin no fodaiG fiachuiGte na fine catachus acru anolecus iat dfechiumnus, in tan na fagbut f comard ar log no in airce, .i. narbut fiachuid hi cinuid fine. Ir aire ni Gaibiut atGabail im a lera; no ata ar fine ini do ronut ceana; no dono dia taibGet fine doib, norli leċ a cinuid, ar ir fiachuċ fine, ocus ata a mod ina cainGnib fein.

[N]i ba aurrachc uchae munub faitiuch cach aera.

.i. nocha ninnruiGi é a Gabail a ae a Gabail atGabala im in ae imin cainGin, muna roibe fath ir deaċ aice in Gach forir anta ocus apuid, .i. na ceiċre nanta ocus ceiċre diċmunna ocus na da narad, .i. apud noen loe fos in ti da na tech in rot a heolus innrcib na filed ocus a leanmuin cu hor criche, ocus doin ina brollud in or criche, muna ti urruid fo lan, ocus da ti, ir a ic doridi, .i. lain ina brollaċ, no fuiGe accud diandama cin apud no cin anud naile, ocus ni fil ardarc taircedd a taiti fet do aċt cid be fet.—S.D.

Duine fin cus na fuil tochus a crich no a fecdus crich. Ocus dia mbe tochus aice a fecdus ċrich, dia nairbernuid tusbuid, rot foerra a tusbuid a conuire e.

In faitiuch ired dlegus apud naen lae air, mara Grad feine, ocus a Gabail ar a haiċle; no apud aen lae, mara Grád flaċa; no trorcud ar a haiċle ocus a Gabail ar a haiċle, aċt muna

[1] *For whether they sue or are sued, they shall not pay.* The Irish for this is inserted from the margin.

[2] *Advocate.* f. only in the original, which, probably, should have been lengthened out into 'Fechium.'

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That is, *when* one has not any other person to do it *for him*, or he does not find another person to advocate his cause gratis or for a fee, it is then he does it himself. DISTRESS.

On account of a tribe liability, i.e. because he is not held responsible for the liability of his tribe, or that the debts of the tribe are not the greater because of these people having contracted with them, for, whether they sue or are sued, they shall not pay.[1]

Or it is said that the Brehons admit persons to plead to prove the debts against the tribe who are sued in the case, when they cannot find an advocate[2] of equal dignity for a fee or gratis, i.e. that they may not be responsible for the liability of the tribe. It is for this reason they do not take distress in their behalf; or what they have already done is *a liability* upon the tribe; or, indeed, if the tribe distrain for them, they shall incur half the liability, for the tribe is liable, and their manner *of suing* is in their own counsels.

No person is qualified to plead a cause at the high court unless he is skilled[3] in every department of legal science.

That is, he is not qualified to manage the cause in taking distress for the cause or the covenant, unless he has good skill in knowledge[4] of every stay and notice, i.e. the four stays and the four delays in pound and the two notices, i.e. a notice of one day upon him whose house is the road, who, from what is known of the meaning of the *part of the law written by* the poets, is to be pursued to the border of the territory, and seized by the collar at the frontier of the territory, unless a native surety come to his relief, and if such come, he shall pay for him, i.e. he is seized by the breast, or he remains with them if he submit without any other notice or stay, and he has no privilege in restoring his concealed 'seds,' but *restores* every sort of 'sed' whatsoever.—S. D.

This is *the case of* a person who has no property in the territory or outside the territory. If he has property outside the territory, if he pleads his privilege, his privilege of way *or passage* shall free him.

A notice of one day should be served on the vagrant, if he be of the Feini grade, and he is arrested afterwards; or a notice of one day, if he be of the chieftain grade; or fasting afterwards and then arrest-

[3] *Skilled.* The three grades of advocates, or pleaders, and their qualifications are described in C. 812, 813, 814.

[4] *Knowledge.* That is, knowledge of the meaning of the poets and others in whose writings the laws are contained.

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Distress. gabuid uirriuid ir in crich do laimh a fartud amn re re a toicheda, ocus da ngabud, ired dlegur toicheid air fo aicniud a graid; ocus ma ta a dul eri roime sin, ir a gabail fo cetoir; ocus in crich i nderna a cin no a cundrud ir innti tarrus ainn sin é. Ocus damaid a crich eile tarrsata é, ocus ní hinnte a ta a forus, ocus ni hinnti do rigni cin no cunnrud, raerud a thurbuid conuire é, cu ria in crich a ta a forus, no in crich a nderna a chin no a cunnrud. Muna fuil forus aice etir, nocha nfuil re do, acht apud raite air; no dono cu roerad a thurbuid cu roired in crich i ndernud a chin no a chunnrud, ocus muigi ocus cricha do riagul on inud ar gabud é cu forus in fechumun toicheda, ocus innfechium in tí ro gab do riagul uime, ocus anud ocus dithim air fo aicniud na fet.

Caide detbir etarrud sin ocus ni tabuir crod fos conuir? Duime sin ocus in crich a ndernuid a cin no a cunnrud ir innti ata a forus, ocus nochan innti tarrus é; ocus raerud a thurbuid conuire é cu ria a forus. Acht neach ag na bia arus inunn ered ocus in raitiuch. In bail ata in tí ro ric ir e tét tar crich, srl. Cumud in gatuide sin, no eride.

Deachmuid fri rusrud, aenu doneoch nearum.
C. 2718. [Cetharda fegar.]

.i. ní fil detbir feoit aine, na treire, na cuicte, na deachmuide uime sin, .i. na ceitri nerum atfegar sunn ar in fet aine, da nerum cu let diub ac in bidbuid, ocus nerum cu let dreciumuin toicheda, nerum cinuid ocus nerum saidbre ocus let nerum comaitrib ag in biudbuid: nerum comaitrib, .i. i naen muig, ocus nearum cinuid, .i. re hic a chinuid fein ocus ní

ing *should take place*, unless a native surety in the territory under- DISTRESS.
takes to keep him there during the period of the suit, and if he does, it is necessary to sue him according to the nature of his grade; and if he is about to depart out of it (*the territory*) before then, he should be arrested at once; and it is in the territory in which he contracted his liability or made his covenant, that he is arrested on this occasion. Should he be arrested in a different territory, in which his residence is not situated, and in which he did not commit his crime or make his covenant, his privilege *in respect of his right* of passage shall save him, until he reaches the territory in which his residence is situated, or the territory in which he committed his default or made his covenant. If he has no residence at all, he has no time *allowed him*, but a vagrant's notice *is served* upon him; or, indeed, *according to some*, his privilege *in respect of passage* will save him until he reaches the territory in which he committed his crime or made his contract, and places and territories shall regulate *the matter* from the place where he was arrested to the residence of the plaintiff, and the intention of the person who took him shall regulate it, and stay and delay in pound are upon him according to the nature of the 'seds.'

What is the difference between this *case* and *the case in which it is said*, "No prohibition is put upon *the use of* the road?" That is *the case of* a man who committed his crime or made his contract in the territory in which his residence is situated, but who was not arrested therein; his privilege *in respect of right* of passage shall free him until he reaches his residence. But the person who has no residence is like the vagrant. Where the man who has committed a crime is, it is he who shall pass beyond the boundary, &c. This is the thief.

Ten days for a period of prescription, one day for every necessity. Four things are considered.

That is, there is no difference *in the case* of the 'sed' of one day's stay, or the 'sed' of three days' stay, or the 'sed' of five days' stay, or the 'sed' of ten days' stay, respecting this, i.e. the four necessities are considered here concerning the 'sed' of one day, two necessities and a half with the defendant, and one necessity and a half with the plaintiff, necessity of liability and necessity of property and half necessity of residence with the defendant; necessity of residence, i.e. at one place, and necessity of liability, i.e. for paying his own

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Distress cinuid inbleogain, ocus nesum saidbre, .i. cina iarsaid ar neach eile; nesum toisceve ocus let nesum comaitsiu ac in sechemuin toicheda.

Na huile seoit uile ata neasam tri an aicneda budein, no cin cub nesum, mas da caithium so batar aice so cetoir, no mas da tabuirt do cinn nesuim, anud naine oirsu ocus didhim tresi.

No sir sena.

.1. let sir testa let arsa, no cuma é sir na samuisge no na bo innlaeige ar oct laithiu, .i. a hanad tseise ocus a dithim cuicte, cuna oct láithe; ocus in lulgach ar ceitre laithiu, .i. a hanud naine, ocus a didim tseise; cid a cos no a cunnsud, no cid a nescuib fogla dlegus iat can detbis na see sin eatusaid. In se ar a mbia anud aicinta cus ub e in se sin ar a mbia a sír.

Ni forsachta nech inecumung.

.1. nocha noisctes neac ima ní ima cumtus é a ning a mboacht a fed gan se sé hiarsaid gach nech diu so, .i. luige diursaid air se na se cois. In se no in tanud biar ar na fetuib cusuib ed ber ar in sír; ocus amuil fatuigit muige ocus cricha ann na fet, is aidlud fatuigit ann in fira; no cona fatuigit muige anad in fira.

Fir no fech, no fecheamuin dea cinuid fri suiad, 7sl.

.1. feoit sin uil se neac amuig se comfat suiadta, ocus cemad feoit aine is anud dechmuide air, ocus didhim aine.

Cid so dera athgabáil do gabáil uime, ocus a bet se neac amuig se comfad suiudta? Is é in fad fodera suiud ainfera no saduigte é; no dono is i tuicsi inti uil ag in agra cu ndligid é; ocus i slan do atgabail do gabail uime, ce no bet sir é amuig se sé suiudta.

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liability and not the liability of his kinsman-surety, and necessity of property, i.e. without asking it of any other; necessity of life and half necessity of residence with the plaintiff. Distress.

All 'seds' whatsoever which are necessities by their own nature, or though they be not necessities, if he had them for immediate use, or if they are being given on account of necessity, have a stay of one day upon them and a delay in pound of three days.

Or proof of non-liability.

That is, half the proof of witness *or* half security, or it is the proof of the 'samhaisc'-heifer or of the incalf cow, that is in eight days, i.e. its stay of three days and its delay in pound of five days, which make eight days; and the milch cow in four days, i.e. its stay of one day, and its delay in pound of three days; whether they be due in contract or covenant, or for 'eric'-fines of trespass, it makes no difference in these terms. The time which is its natural stay is the time *allowed* for proving it.

Let no man be forced *whilst* in a state of inability.

That is, no one shall be forced respecting a thing which would throw him into difficulty, without allowing him the time necessary to seek each of these things, i.e. an oath of *expurgation* should be asked from him in his proper time. The time or the stay which belongs to the 'seds' is the same which is *required* for the proof *by expurgation;* and as places and territories extend the time of the 'seds,' so they likewise extend the time of the proof; or *according to others,* places do not extend the time for the proof *by expurgation.*

Proof of debts, or of a party to a suit whose property is out *of possession* during a period of prescription, &c.

That is, these are 'seds' belonging to a person which are out *of possession* during the period of prescription, and even though they were 'seds' of one day's stay they shall have a stay of ten days, and a delay in pound of one day.

What is the reason that distress is taken for it when one has it out *of the possession of the owner* during the period of prescription? The reason is, *that* it is a prescription on account of ignorance or of violation; or *that* it is the impression of the person who is suing that he is entitled to it; and it is safe for him to take distress respecting it though it has been out *of his possession* from him during the period of prescription.

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Distress.

Acht achuis forrtha bitis fri cinta o fugaib.

.i. acht na hathuis fo bítis ac na fuigiub da forfitin fe ic a cinaid, for a toibgeb cach in fola cinaid no in fola fiach frodlerta do na fugaib, .i. maoin no fechtaifie in fi iat fide, uair aoetge lair in ugdur adgabail do gabail do na fugaib ocus do na herpocaib budein, cid triarcad do legoir ima fiachaib cuin ocus cunnurtha, ocus im cinta coiri ocus laime. Ir amlaid fo bidir na fuga ocus na erpuic i nallud, do fer na narranta, ocus athuis forrtha acud da fine budein, no doer cele ag in fi, no doer manach ag in erpuc, ocus cumad amlaid sin do betir na griaid fechta, ocus na griaid ecalsa aile. Ocus do daer ceilib flatha no dia ngelfine an athuis forrtha, ocus do doermanchaib eacalsa, no dia ngelfine na hathuis forrtha. No bitir ac tobach doib gach nech dligdir ocus a gabail adgabala aime, da firdair aler; ocus gach cin fo acurtha ar na fugaib cumad dibrim fo gabtha adgabail aime. Da lécdir na fuga triarcad ocus da ngabtha adgabail do na fugaib tar fir in athuis forrtha, ir fiach indligid athgabala ann, ocus a da thian don cinn ocus aen thian don athuch forrtha; no cumad don athuch forrtha no betir in da thian; ocus gach indligeb adgabala do gentur furin athuch, ir fiach indligid athgabala do inn, ocus a da thian aice budein ocus a áen thian don fi; no dono cumad a breith do aenur a inbuid ir de gabtur in adgabail; ocus in inbuid ir don fug no gebta i cuma fiach indligid adgabala do breith do aenur. Ocus gach indligeb do dena in tathach forrtha fein um in adgabail ir a ic do aenur; ocus da tecmad indligeb adgabala do denum don cinn, cumad é in tathach forrtha no icfad; ocus aitgin in gach nech fachar a lorud, ocus i corrfiach dathgabail in athuis forrtha dic on cinn; no cuna ica etir ini na fachuid a lobad di.

Cir lir gealla athcomairc?

.i. o fechemuin ata na gealla fo, act da geall o cintach nama.

[1] *Them.* In O'D. 908, it is stated that the plaintiff served the king and bishops with notice, and then took distress from their steward-bailiffs.

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Except steward-bailiffs which kings had to be accountable for their liabilities. DISTRESS.

That is, except the stewards whom kings used to have to relieve them in paying for their liabilities, and whom all sued for the liabilities of crime or liabilities of contract due from the kings, i.e. these were the stewards or agents of the king, for the author *of this law* was loath to take distress from the kings or bishops themselves, though *the persons suing them* fasted on them[1] for their liabilities of bargain and contract, and their crimes of foot and hand. The kings and the bishops in ancient times, according to the ancients, had stewards of their own tribe, or the king had a 'daer'-stock tenant, or the bishop a 'daer'-stock tenant of ecclesiastical lands, and all the septenary grades and all the ecclesiastical grades were similarly *provided.* Their (*the kings'*) steward-bailiffs were of the 'daer'-stock tenants of the chieftain or of the 'Geilfine'-tribe, and their (*the bishops'*) steward-bailiffs were of the 'daer' stock tenants of ecclesiastical lands or of the 'Geilfine'-tribe with which the *bishop's* church was connected. They used to levy for them every thing that was due to them and take distress for it, if necessary; and for every liability for which the kings were sued, it was from these that distress was taken. If the kings had permitted fasting *to be performed* and if distress were taken from the kings without the knowledge of the steward-bailiff, there is fine of illegal distress imposed for it, of which two thirds are due to the head *kings*, and one third to the steward-bailiff; or *according to others* the two thirds were due to the steward-bailiff; and for every illegality of distress committed against the steward he shall be paid fine for it (*the illegal distress*), of which he himself shall possess two thirds and the king one third; or else he shall obtain all when it is from him the distress is taken; and when it is taken from the king, he alone shall get the fine for illegal distress. And as regards every illegality which the steward-bailiff shall commit respecting the distress, he alone shall pay for it; and should it happen that the head (*king or bishop*) committed illegality of distress, the steward-bailiff shall pay for it, and make restitution for every thing that has gone into forfeiture, and the original debts of the steward-bailiff shall be paid by the head; or *according to others* the part of it which has become forfeited shall not be paid for at all.

How many are the pledges of right of appeal?

That is, these pledges are from the plaintiff, except only two *which are obtained* from the debtor.

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Distress. Da geall frithna o biudbuid, no da gne for geall. Dech ngill frithna o fechemuin toicheda, no de ngne for geall. Ambeth frin fo miad, fmacht gill fechtmuid, no geall urfuigill.

Cid ar conuir cid ag forfrus in fechemun toicheda tairgus in biudbuid a dec ngealla dech ngne do gabail, ocus ni tucad do, ir flan don atgabail do fuatach, act munub e frecra in fechemun toicheda: tabuir-fi damfa, ar fé, mo da geall, no mo da gne, ocus dorber-fa duit-fi do dech ngille; ocus mar e, ir erid ua fo aicniud na n-inud ar ar fuatuigedh i.

Uide a hanta irre a huide gealltа, 7rl.

Dech ngill funn re dech ngneib, no dech ngnee fo aen geall o fechemuin toicheda do biudbuid; da geall re da gne, no da gne fo aen gne o biudbuid ofechemuin toicheda; ocus nocha narluigunn dligedh for in biudbuid a da geall do tobuirt co tarta fechtum toicheda a dech ngill.

Ma tarigbuid in fechtum toicheda a dech ngill ocus fo airbertnuig geall do cuingi for biudbuid, ocus ni tarda in biudbuid, ocus fo fuatuigfutur a athgabail lef, ir fiach indligid athgabala on biudbuid.

Muna tarigbuid in fechtum toicheda geall ann frin, ocus ni tarid in biudbuid, ocus fo fuatuid in biudbuid in athgabail, a da indligedh aduig in aduig.

Ma tarigbuid dono in biudbuid geall, ocus fo airbertnuid geall do cuingi for fechemuin toicheda, ocus ni tarid do, ocus ni fo fuatuid a athgabail, ir fiach indligid don biudbuid.

Ir iat na dec ngealla a deir funn o fechemuin toicheda do

[1] *The period of its stay.* A short gloss on this is found on a slip of parchment inserted between cols. 454-456, which runs as follows:—

Uide anta ire huide gellta; uide géallta ire uide ice fiach. Uide anta ire gellta, .i. in fé iarfr a mbid fi for anad a laimh cintaig, ire frin fé ar na dír gellta do tabairt amach; ocus ir lor tairfingire ar na gellta fuir in fé frin ocus gell i forba in tairfingire. Uide dithma ire uide ice fiach, .i. in fé iarfr a ndithmann fi im fogeilt ocus im bleid do dul ina cenn, ire frin fé ar na dír feich amach tar cenn in gill frin; oir gell i forba anta, feich i forba dithma; ocus cinefrin dligid frin.

The period of the stay is the period of pledges; the period of pledges is

Two pledges *are set* down here from the defendant, or two causes *of suing* for a pledge. Ten pledges *are set* down here from the plaintiff, or ten causes *of suing* for a pledge. They shall be according to dignity, a 'smacht'-fine of a pledge of a seventh, or of a pledge of judgment. DISTRESS.

Whether it is on the road or at the residence of the plaintiff the defendant offers to accept of ten pledges, *i.e.* ten causes *of suing*, and they were not given to him, it is safe for him to carry off the distress, unless the answer of the plaintiff be, "Give thou to me," says he, "my two pledges or my two causes *of suing*, and I shall give unto thee thy ten pledges;" and if it be *the case*, he shall pay 'eric'-fine according to the nature of the places from which it was carried off.

The period of its stay[1] is the period of its pledges.

Ten pledges here for ten causes *of suing*, or ten causes *of suing* for one pledge from the plaintiff to the defendant; two pledges for two causes *of suing*, or two causes *of suing* for one cause of suing from the defendant to the plaintiff; and the law does not require of the defendant to give his two pledges until the plaintiff shall have given his ten pledges *to him*.

If the plaintiff has offered his ten pledges, and he proclaimed that he would ask a pledge of the defendant, and the defendant did not give it, and he carried off his distress with him, a fine for unlawful distress shall be paid by the defendant.

If the plaintiff has not then offered a pledge, and the defendant has not given any, and the defendant carried off the distress, there are two illegalities face to face.

But if the defendant offered a pledge, and he proclaimed that he would ask a pledge of the plaintiff, but it was not given to him, and he did not carry off the distress, there is a fine for illegality due to the defendant.

The ten pledges here mentioned *as given* by the plaintiff to the

the period of payment. The period of the stay is *the period* of pledges, i.e. the period during which it is delayed in the hands of the debtor, is the same as that in which it is right to give out pledges; and it is enough to promise the pledges during this time and a pledge at the end of the *time of* the promise. The period of delay in pound is the period of the payment of debts, i.e. the period in which it, the distress, diminishes by *expense of* feeding and tending being subtracted from it, is the same as that in which it is right to pay out the debt for the releasing of the pledge: for a pledge must be given at the end of the stay, and the debts at the end of the delay in pound; this is the *proper* 'offer' of law.

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Distress. bidbuid na gealla na betis do fgus tsoisce fo aicned nesuim no neamneasuim. Is iat da geall adesi funn o bidbuid do fechemuin toicheda, lan gille no let gille, .i. lan gille fesi neasum, no letgille fesi nemnesum.

Caitiat fsithfola dilsi a fosnaidm? eacus colla fiach adgaisdus dicolla athgabail, besina a esic.

Caitiat fsithfola .i. cait iat na fis fola rointatsa uaitsi as in fechimuin toicheda, as dilsiu tathgabala duitsi fos naidm nasaisde. Eacus colla fiach .i. ecus colla na hathgabala a colaid na fiach acusdus and .i. annso so fsecuis bidbuid .i. don fecheam asus .i. as se aigne bidbuid. In fechem toicheda: cin fogail cen blet dam. Athgabail, besna .i. besnach fin as aigne. A esic .i. a fis ic uaimsi as in bidbuid, in fogail ocus in blet ocus in lobud; uais is besn, .i. as in fechium nos gaib, uais do fodus ni di.

Diablud fiad ned atsoille ann fiam fsia tobud is de iar nelo. Ised do tobuid do athgabail fis chinad, acht nis inbleoguin.

Diablud fiad .i. diabluid na fiad so aisellmithus ann fiam fsia tsofsedud, ised uil ann iar lecud eluide asuid ocus tsoisce, ocus gabus in diabluid fin dinbleoguin ce eloid cin co heloid. Acht nis inbleoguin .i. atá adt ann Lium nocha n inbleoguin e, uais aithuil is diabluid o chintuch is aitgin (no athgabail) oc inbleoguin; no ni gaibid diabluid de fic cin a tapud uime, gabus imusso do cintud; no ni gabus diabluid do inbleoguin in aen athgabail ocus aitgin.

Cach ni so ditmus don athgabail isi coluinn fiach tet, ocus athgabail eile ima fogelta ocus ima blet.

Cach ni na so ditmustus cunic in cintuch cin a tabuisit a briaduib, madail do, adt aisaillsa dono. Ni cumuing imossso ini ditmus.

Ani ima tsoisceann neach a diabluid uada cus ub cutsuma fsi cuic feoit a nidligus o fin amach. Cuic feoit i ninoligid

defendant are the pledges which would be *required* to stop fasting according to the nature of necessity or non-necessity. The two pledges here mentioned *as given* by the defendant to the plaintiff are full-pledge and half-pledge, i.e. full-pledge for the necessity, or half-pledge for the non-necessity. DISTRESS.

What are the lawful returns in a bargain *of set off?* Let the original debts claimed be balanced against the original distress, the difference to be paid for.

What are the returns ('frith-fola'), i.e. what are the true goods ('fir-fola') which I shall obtain from thee, said the plaintiff, for returning thee thy distress for the bargain of *set off made by* the contract-binder? Let the original debts be balanced, i.e. let the original of the distress be put against the original debts in this case, i.e. this is what the defendant said, i.e. to the plaintiff again, i.e. the pleader of the defendant said (*or made answer*). The plaintiff *replied:* without allowing me trespass or *expense of* tending? The distress, the difference, i.e. *The distress* is defective said the pleader *of the plaintiff.* To be paid for, i.e. they shall be truly paid for by me, *i.e. I will pay* for the trespass, the tending, and the forfeiture; "for it is defective," i.e. said the plaintiff who took it (*the distress*), for a part of it has been lost.

Double the debts which were due before distraining is due after absconding. This is what is forfeited of the distress of the debtor, but not of the kinsman-surety.

Double the debts, i.e. double the debts which are due in the case before fasting is what is due in the case after evading *both* notice and fasting, and this double is obtained from the kinsman-surety whether he eludes or does not elude. But not of the kinsman-surety, i.e. I make an exception that he is not to be a kinsman-surety, for as it is double *the debts* from the debtor, it is restitution or distress from the kinsman-surety; or double *the debts* cannot be obtained from him without serving him with notice again, but it can be obtained from the debtor; or double cannot be obtained from the kinsman-surety in any distress along with restitution.

Every part of the distress that is injured shall go for the original debts, and another distress shall be taken for the *expense of* feeding and for *the expense of* tending.

Every part of the distress that is not injured the debtor may prevent from going for the original debts, if he likes, but so as he pays otherwise. He cannot, however, save the part that is injured.

The double *of the debt* for which one fasts is due from him (*the person who absconds*), and what he owes from that out is equal to

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Distress. gacha trioirce ón fir amuig innsin, a cutruma dono on fir tall; no dono ir amuil cach natgabail ceana .i. let cacha athgabala ina hindligeo co cumuil o sin co secht cumaluib; ic ceithi ba o sin amach; cuic ba imorro in gach indligeo atgabala do gner.

Ni do ruirmead forr in trlicht ro cinta fir do sin cuin athgabail; ní daim eneclann anad ma fri cinta caich fadesin gabur athgabail.

Ni do ruirmead .i. ni rechtrad ma cintud. Iread imreadtnaigeo a rurud na hatgabala. Ir ber sunn ar a nanad do gner do cintuch iread ir dithim do inbleogain, ocus ar maithe re hinbleogain do nithir sin. Fotaigit muige ocus cricha anad ocus dithim do cintud, ocus ni fotuigit acht anud gs inbleogain. Ceithe feoit cintuig airneigtur diaig i ndiaig: feoit aine ocus treire ocus cuicte ocus dechmuide in cintuig sirana ima cintuid fein cin cumscuda muige na crithe, ocus do gach inbleogain dona tri inbleognaib gabur in athgabail ann .i. ma don cach ir cintach gabur atgabail ima cinuid budein.

Ir aen a anad no turbuide no faer.

Ir aen a anad .i. ir anad naine uirre .i. cia scuichid ann do chintach ocus do inbleogain fri imcinuga muige ocus crithe, ní scuitear in dithim naicinta do neachar .i. ir ó antuib ainmnigther atgabail gach cintuig, ir a

[1] *Delay in pound*, 'Dithim.' C. 2722 gives the following commentary, which is somewhat different:—

Eoon. Ir o antaib imorro ainmnigther atgabail cach cintaig, ir ó dithmannaib imorro ainmnigther gac atgabail ó suidiu anunn. Anur anadh do gner do cintach irred ir dithim dinbleogain, ocur anur dithim do cintach irred ir anadh dinbleogain. Ocur ar maith fri hinbleogain do gnither sin, ocur fataigid maigi ocur cricha anad ocur dithim do cintach, ocur ní fataigit acht anad nama dinbleogain. Ocur céd scuiti anad do cintaé ocur do inbleogain fri himcianug muigi ocur crithe, ni scuiti a ndithim aicinta do neachtan de.

That is, it is from stays the distress of each debtor is named, it is from delays every other distress from that out is named. That which is stay to the debtor is always delay in pound to the kinsman-surety, and that which is delay in pound to the debtor is stay to the kinsman-surety. And it is for the good of the kinsman-surety this is done, and places and territories extend the stay and delay in pound for the debtor, but they extend only the stay for the kinsman-surety. And though the distance of place and territory changes the stay for the debtor and the kinsman-surety, it does not change the natural delay in pound of either.

In C. 686 there are nearly the same words, and the following is added:—

Cach bail a nabram anad sund, ir do cintach ata, ocus cach baile i

five 'seds.' Five 'seds' for every unlawful fasting are due of the plaintiff, and their equivalent from the defendant; or, indeed, it is like every other distress, i.e. the half of every distress *is the fine* for taking it unlawfully, as far as one 'Cumhal,' from that to seven 'Cumhals;' there are four cows from that out; five cows, however, is always *the fine* for illegal distress. DISTRESS.

Not reckoned under this head is the debtor in the distress; honor-price does not give stay if the distress has been taken for the liability of the person himself.

Not reckoned, i.e. the debtor is not included in it. The regulation of the prescription of the distress is mentioned here. That which is stay to the debtor is always delay in pound[1] to the kinsman-surety, and it is for the good of the kinsman-surety that this is done. Places and territories extend the stay and the delay in pound for the debtor, but they only extend the stay for the kinsman-surety. Four 'seds' of the debtor are reckoned in succession: *i.e.* 'seds' of one day, and of three days, and of five days, and of ten days, for his own liabilities without change of place or territory, and the distress is taken in this instance from each of the three kinsman-sureties, i.e. if the distress has been taken from a person who is the debtor for his own liability.

The stay is one day except where exemptions or exertions *extend it.*

The stay is one day, i.e. there is a stay of one day upon it (*the distress*), i.e. although the stay changes for the debtor and the kinsman-surety according to the distance of place and territory, their natural delay in pound is not changed for either, i.e. it is by stays the distress of the debtor is named, and by delay in pound every

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naḃair dícim ir dinḃleogain. Ocus faefam tainic i forba anta fund, ocus faefam aile i forba in faefam fin, ocus faefam aile ina forbafaiḋe, ocus faefam aile ina forbafaigi. Ocus da ma din aen bail no thifad in faefam ocus in tanad fo ba comfeimniugad in tanad ocus in faefam, ocus cid bé dib ba fia cora bed fin bus anad, ocus cid mor do faefmaib dirat ann degaid andegaid forcuichfit anad ocus dícim i con chintach, ocus forcuichfit imorro anad ninḃleogain ocus ni forcuichend dichim.

Wherever we say 'stay' here it refers to the debtor, and wherever delay in pound is mentioned it refers to the kinsman-surety. And it was a *period of* protection that occurred at the expiration of the stay here, and another *period of* protection at the end of that, and another *period of* protection after that, and another *period of* protection at the end of that again. And if the *period of* protection and the stay came together they shall run together, and whichever of them is longer shall be the stay; and whatever number of *periods of* protection shall come in succession, they shall change the stay and the delay in pound for the debtor, and they shall change the stay of the kinsman-surety, but not the delay in pound.

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Distress. dichmannuib imurro ainmnigther gach athgabáil ó fuigid innti. No turbuide .i. galuir .i. turbuide atgabala floigeb amuig gonus ocus loisgar; alaile is éc fir muinntire, fertaid flatha, delm cuinnealg tuatha, srl. No faer .i. lubra .i. bet a cobuis gell aga fuarlugad a laith nech eile; ro fatuigfriside, .i. cach ni dib, anad ocus dichim ag cintud, ocus anad ag inbleogain, ocus nocha faitigeann dichim ag inbleogain.

Fil athgabail nuíne anar fri aile.

.1. fét aíne cintaig, ocus fét aíne inbleogain is nera fiadgailter funo .i. anad cintaig co fairse do fúmi funo, ocus dichim ninbleogain .i. fil athgabail ar ata anud naíne a dualgus anta ag in cintuch, anus fri haile .i. a dualgus anta ocus foerum ag in chintuch sin .i. aíne aicinta in feoit ocus aen in fir b.dbuid. Acht aicinta cintuig so síd cu saoire no cin traoire, ocus dichim inbleogain. Cach baile atáit dá foerum no a tri ann, degaid indegaid tangatur na foerdu ann, ocus damad i naínfecht, nocha bia acht in foerum bu fia. Ocus i brorbad fé anta táinic in foeram ann, ocus dama re fé nanta, ifed bud anud di re fé in foerma uili. Anus anad do chintuch do gnéd ifed is dichim do inbleogain, ocus anus dithim do cintud ifed anud do inbleogain, ocus is ar maithe fri hinbleogain do gnithus sin. Cach baile a nabrum anad is do cintuch ata, ocus cacha nabrum dithim do inbleogain.

Sét aíne in chintaig ina láim budein a naenmuig anad naíne air ocus dithim trefi. Anad trefi ocus cuicte ocus dechmuide ag na trí hinbleognuib, ocus dithim naíne acud uile.

Sét trefi in chintuig i na láim budéin a naenmuig anud trefre air dithim chuicte, anud cuicte ocus dechmuide ocus aine déc ac na trí hinbleognuib, ocus dichim trefi acud uile.

Sét cuicte in cintuig in a láim budéin an aen muid anad cuicte air ocus dithim dechmuide. Anad dechmuide ocus aíne

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other distress from that out. Or exemptions, i.e. diseases, i.e. the exemptions of the distress are *the case of* a host *being* outside which wounds and burns; also *the case of* the death of a man of the family, *or of* making the grave of the chief, *or of* making the treaty of a territory, &c. Or exertions, i.e. work, i.e. to be assisting hostage-sureties by redeeming them from the hands of another person; these, i.e. each and every one of them, shall lengthen the stay and the delay in pound for the debtor, and the stay for the kinsman-surety, but they do not lengthen the delay in pound for the kinsman-surety. DISTRESS.

There is a distress of one day, which is delayed for two days.

That is, the 'sed' of one day of the debtor and the 'sed' of one day of the nearest kinsman-surety are regulated here, i.e. the stay of a debtor with 'saire'-privilege is here referred to, and the delay in pound of a kinsman-surety, i.e. there is a distress upon which there is a stay of one day in right of stay with the debtor, which is delayed for two days, i.e. this in right of stay and 'saire'-privilege with the debtor, i.e. the natural one day of the 'sed' and the one day of the defendant. The following is the natural stay of the debtor with 'saire'-privilege or without 'saire'-privilege, and the delay in pound of the kinsman-surety. Wherever there are two *periods of* protection or three, it was in succession the *periods of* protection occurred in this case, and should they occur at the same time, only the longest *period of* protection will be *allowed*. *It was* at the expiration of the stay *that* the *period of* protection occurred, and if it was during the stay, the stay then will be extended throughout the whole length of the *period of* protection. That which is the stay of the debtor is always the delay in pound of the kinsman-surety, and that which is delay in pound to the debtor is stay to the kinsman-surety, and it is for the good of the kinsman-surety that this is done. Wherever we mention stay it is to the debtor it refers, and wherever we mention delay in pound it is to the kinsman-surety.

The 'sed' of one day of the debtor in his own possession[a] in one place has a stay of one day and a delay in pound of three days. The three kinsmen-sureties *have respectively* stay of three days and five days and ten days, and they all have a delay in pound of one day.

[a] Ir. *Hand.*

The 'sed' of three days of the debtor in his own possession[a] in one place has a stay of three days *and* a delay in pound of five days, and the three kinsmen-sureties have *respectively* a stay of five days and ten days and eleven days, and they all have delay in pound of three days.

The 'sed' of five days of the debtor in his own possession[a] in one place has a stay of five days and a delay in pound of ten days. And the

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Distress. déc ocus trethe déc ag na trí hinbleognuib, ocus dídim cuicde acud uile. Sét dechmuide in chintuig ina laim budéin in aen muig anud dechmuide air ocus dídim naíne déc; anud naine déc, ocus ceithre déc, ocus cuicde déc ag na trí hinbleognuib, ocus dídim decmuide acud uile.

Ocus crích.

.i. cid be fét uile gabus tar crích in trichatmad cét in adgabail do chintuch, is anad dechmuide air, ocus náine déc: anud imurro naíne déc ocus threi déc ocus cuicde déc forru cus na trí hinbleognuib, ocus dichim naíne uatha ocus threi uatha ocus cuicthe uatha ocus dechmuid uatha forro uile.

Már tar da crich trichuit cét gabus é, is anud fichtige fair ocus díchim naíne fichut.

Mar crích tri trichuit cét gabus é is anud trichuit aidce fair, ocus dichim naine déc ar fichit, ocus nocha n fuil decbis fé anta na dídma do deorud, acht amuil atá do urrud ocus atá do doer fo aicned nerum no nemnerum, no lui no clethe, ocus ní fuil for do murcorta.

Fo fuirsiut anta ocus Dichmunn.

.i. foxlut muige ocus cricha anud ocus dídim cintuig, ocus anud inbleoguin ocus ni foxluit dídim. Acht anud cintuig dídim inbleoguin ocus dídim cintuig anad inbleoguin, ocus is ar maithe sin in inbleoguin do nithi sin.

Már a naen crích atá in fechim toicheda ocus in bidbuid, muige do siagail ó forus in bidbuid co forus in fechiuman toicheda. Ocus muna bed itir, muige do siagail o forus in bidbuid co hos na críche, ocus fon coimlín do muigib beas etarrud faitigéd gach mad dib ima dul is inunn is neara, ocus dechmuid torumuiged in crich is neara, ocus cach crich co sia in mís feachnóin Erund.

1 '*Magh*'-*spaces*, literally *plains*, i.e. spaces at the end of which were stations at which the cattle had to stop to be fed. A 'magh'-space is defined in page 109 *infra* to be that extent of ground over which the sound of a bell or crow of a cock could be heard.

2 *Five days*. The time to be added for every territory is not stated, but as ten days is the time for two territories, it is conjectured that the time for each territory is five days, save in excepted cases.

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three kinsmen-sureties have *respectively* a stay of ten days and eleven days and thirteen days, and they all have a delay in pound of five days. The 'sed' of ten days of the debtor in his own possession[a] in one place has a stay of ten days and a delay in pound of eleven days; and the three kinsmen-sureties have *each* a stay of eleven days, and fourteen days, and fifteen days, and they all have a delay in pound of ten days. DISTRESS.

[a] Ir. *Hand.*

And territory.

That is, whatever 'sed' is carried beyond a territory of the extent of a 'trichuit cet' in distress from a debtor, there is a stay of ten days upon it, and a *delay in pound* of eleven days; but the three kinsmen-sureties have *respectively* stay of eleven days and thirteen days and fifteen days upon them, and a delay in pound of one day and three days and five days and ten days upon them all.

If it has been taken beyond two territories each of the extent of a 'trichuit cet', there is a stay of twenty days upon it and a delay in pound of twenty-one days.

If it has been carried *over* a territory of the extent of three 'trichuit cets', there is a stay of thirty nights upon it, and a delay in pound of thirty-one days, and there is no difference in the time of stay or delay in pound for a stranger, but *his case is* the same as that of the native *of the territory* or the bondsman according to the nature of necessity or non-necessity, or of the lowest or highest person, neither is there in the case of a thing cast up by the sea.

Territories extend stays and delays in pound.

That is, *the extent of* places and territories lengthen the stay and the delay in pound of a debtor, and the stay of the kinsman-surety but not his delay in pound. The stay of the debtor is the delay in pound of the kinsman-surety and the delay in pound of the debtor is the stay of the kinsman-surety, and it is for the good of the kinsman-surety this is done.

If the plaintiff and the defendant are in the same territory, the 'magh'-spaces[1] from the residence of the defendant to the residence of the plaintiff shall regulate it (*the length of stay and delay in pound*). But if they are not *resident in the same territory*, the 'magh'-spaces from the residence of the defendant to the border of the territory shall regulate it (*the length*), and each of the 'magh'-spaces between them shall extend the time *five days*[2] in going to the next territory, and the next territory to that shall increase it to ten days, and *five days*[3] *shall be added* for every territory until it amounts to a month for all Erin.

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Distress. C. 2723.

Der aen maen meachur [ir trer 'in ala muigh, ir cuicthi i trer muigh, ir dechma a cethramme muigh, ir aone deg a cuiceoh muigh, ir trer deg a seiseoh muigh, ir cuicce deg a sechtmad muigh, cen motha seo ara mbiadoh anadoh naine irin aon magh uair].

.i. trí seoit ar a mbia anud naíne in aen muig uair. Segad secht muige do ceithri séthaib cintuig ann so sís. Set aíne cintuig iar tocaitium secht muige ir cuicde déc a anud ocus sichige a dithim; no cuma threise ocus cuicde ocus deachmuid ocus aine déc anad cintuig do grés.

Ir sichadmad anad seoit threisi, ocus ir aen sichut a dithim. Ir aen sichut anud a seoit cúicde, ir threisi sichut a dítim. Ir threisi sichat anud a seoit deachmuide, ir cuicde sichut a dítim.

Sét aine in cét inbleoguin .i. a mac ocus a ua, ir sichadmad a anud iar tocaitium secht muige, ocus dithim naine.

Ir aen sichut anad seoit threisi, ocus ir threisi a dithim. Ir threise sichut anad seoit cuicce, ocus ir cuicce a dithim.

Ir cuicce sichut anad seoit deaċmuide, ocus ir deaċmuid a dítim.

Sét aine ninbleoguin meadonuig, .i. a innua ocus a iarmua, ir aen sichadmad a seċtmad a ana, ocus ir aen a dítim.

Ir threise siċutmad anad seoit threise, ocus ir threise a dithim.

Ir cuic sichut anad seoit cuicde ocus ir cuicde a dítim.

Ir trichadmad anad seoit cuicde deċmuide, ocus ir deċmuid a dítim.

Set aine ninbleoguin ó a secht déc amach ocus ir threise sichut a anad a seċtmad maige, ocus ir aen a dithim.

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There is one day for one 'meathus'-space, three days for the second 'magh'-space, five days for the third 'magh'-space, ten days for the fourth 'magh'-space, eleven days for the fifth 'magh'-space, thirteen days for the sixth 'magh'-space, fifteen days for the seventh 'magh'-space, except *in the case of* the 'sed' upon which there is a stay of one day in one 'uais-magh'-space. DISTRESS.

That is, there are three 'seds' upon which there is a stay of one day in one 'uais-magh'-space. The seven 'magh'-spaces of the four *kinds of* the 'seds' of the debtor are considered down here. The 'sed' of one day of the debtor after passing seven 'magh'-spaces has a stay of fifteen days and a delay in pound of twenty days; or the stay of the debtor is three days and five days and ten days and eleven days at all times.

The stay of the 'sed' of three days is twenty days, and its delay in pound is twenty-one days. The stay of his 'sed' of five days is twenty-one days, and its delay in pound twenty-three days. The stay of his 'sed' of ten days is twenty-three days, and its delay in pound twenty-five days.

The 'sed' of one day of the first kinsman-surety, i.e. his son and his grandson, has a stay of twenty days after passing seven 'magh'-spaces, and a delay in pound of one day.

The stay of his 'sed' of three days is twenty days, and its delay in pound is three days. The stay of his 'sed' of five days is twenty-three days, and its delay in pound is five days.

The stay of his 'sed' of ten days is twenty-five days, and its delay in pound is ten days.

The 'sed' of one day of the middle kinsman-surety, i.e. the great grandson and the great great grandson, has a stay of twenty-one days in the seventh '*magh'-space*, and a delay in pound of one day.

His 'sed' of three days has a stay of twenty-three days, and a delay in pound of three days.

The stay of his 'sed' of five days is twenty-five days, and its delay in pound is five days.

The stay of his 'sed' of fifteen days is thirty days, and its delay in pound is ten days.

The 'sed' of one day of a kinsman-surety from seventeen *persons* out has a stay of twenty-three days in the seventh 'magh'-space, and a delay in pound of one day.

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Distress. Is cuicce fichut anad feoit treise, ocus is trisse a dithim.

Is trichatmad anad feoit cúicce, ocus is cuicce a dicim.

Is aine déc ar fichat anad feoit dechmuide, ocus is dechmuid a dicim.

Ocus na bed fegad muige ó sin amach imor mag anta; no dono torsmuigit muige anta iar fecc maige amuil torsmuigit freampa; ocus ni diaguit muige i nairium ó teacuit cricha, ocus is decmuid im crich cindeó fét; no dono cumad la toeb anta aicinta in feoit no bed in dechmuid, ocus dechmuid cacha criche cidad imda.

Der anud naine inaen muig is cuicce déc anud fectmad muig. Deas trisse in aen muig is fiche anud fectmad mad. Deas cuicce i nean mag is aine fichut i fectmad mag. Der dechmuid i naen mad is trisse fichut i fectmad mad. Deas aine déc in aen mad is cuicce fichut fectmad mad. Der trisse déc in aen mad is trichatmad i fectmad mad.

Ocus is é mag na hadgabala annso airiut so cluintiur gud cluic, no gair in cailig ceasc, ocus is cutruma faiche na mbeaid fessin, ocus faide in beasa airnil, ocus is iat sin tri muige comarda in feancusa.

Is dithim trisse do grés do fét aine cintuig cidbed mad, ocus is dithim cuicce dia fétuib trisse, ocus dithim deachmuide dia fétuib cuicce, ocus dithim aine déc dia fétuib deachmuide.

Is díthim naine imurro do inbleogain cidbé anud ber do fair, ocus dithim trisse for fét trisse do. dithim cuicce for fét cuicce, ocus dithim deachmuide for fet deachmuide.

Der anud naine do chintuch bid trisse do céd inbleogain,

The stay of his 'sed' of three days is twenty-five days, and its delay in pound is three days. Distress.

The stay of his 'sed' of five days is thirty days, and its delay in pound is five days.

The stay of his 'sed' of ten days is thirty-one days, and its delay in pound is ten days.

And there is no consideration of 'magh'-space from that out to increase *the period of the* stay; or, *according to others*, 'magh'-spaces extend *the period of* the stay after the seven 'magh'-spaces as they extend it before them; and 'magh'-spaces do not come into reckoning after the territories have *come into reckoning*, and ten days *are allowed* for one territory whatever the 'sed' may be; or else the ten days shall be added to the natural stay of the 'sed,' and ten days *shall be allowed* for every territory, be there ever so many.

When there is a stay of one day for one 'magh'-space there shall be a stay of fifteen days for the seventh 'magh'-space. When there is a stay of three days for one 'magh'-space, there shall be twenty days for stay in the seventh 'magh'-space. When there is a stay of five days for one 'magh'-space there shall be twenty-one days in the seventh 'magh'-space. When it is ten days for one 'magh'-space it shall be twenty-three days in the seventh 'magh'-space. When it is eleven days for one 'magh'-space it is twenty-five days for the seventh 'magh'-space. When it is thirteen days for one 'magh'-space it shall be thirty days in the seventh 'magh'-space.

The 'magh'-space of the distress here means *a space extending* as far as the sound of a bell, or the crow of a barn-door cock could be heard, and the feeding-space of the bees is of the same extent, as also the feeding-space of the deer trap, and these are the three equal 'magh'-spaces of the Senchus *Mór*.

There is always a delay in pound of three days for the 'sed' of one day of the debtor in every 'magh'-space whatsoever, and a delay in pound of five days for his 'seds' of three days, and a delay in pound of ten days for his 'seds' of five days, and a delay in pound of eleven days for his 'seds' of ten days.

The kinsman-surety has a delay in pound of one day *for his 'sed' of one day* whatever stay he may have for it, and a delay in pound of three days for a 'sed' of three days, and a delay in pound of five days for a 'sed' of five days, and a delay in pound of ten days for his 'sed' of ten days.

Where there is a stay of one day for the debtor there shall be three days for the first kinsman-surety, and five days for the middle

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Distress. ocus bró cuice do inbleoguin meadonach, ocus deachmuid don treas inbleoguin, ocus is na maigib cétna innsin.

Cin tochaitium criche innso; dia mbe tocaitium imurro is deachmuid cacha criche co crich cuicid; no is aen deacmuid frin uile. Faitigit muige ocus crícha anud ocus dithim do cintuch, ocus anud dinbleoguin, ocus nocha nfaitigit dithim do inbleoguin, ocus cid mór do muigib ber is na crichuib, nocha nfaitigit anud tar na fecht muigi cinnteach ar ecinnteach; no dono co fo fadnigdis cid mor do muige no bet ann co hor na crice. Ocus in aen crich ataat and sin in brobuid ocus in fechtum toicheda; ocus mun budeo, is muige d'aicfegad ó forus in brobuid co hor na criche; ocus nocha nfaitidit muige anud tar in crich, ocus tormuige dechmuid co hor in mís.

C. 2726. [Cenmotha airme ata mo ocus ata lia, acht ciasingbat anta la fuirtiu crich. Is treri a dithim iar necor; cenmotha feotu a tarfuchtuin.]

.i. amuil dos arritann tall for feotu a anta oc briudbuid do faisne no turbuid, .i. ceanmotha na feotu tarfuigdur do breit for tulla a feanchus, uair nocha n fuil re neacur doibrig im re nanta, do bet orrud act iar neacur nama, .i. abreit amach
C. 2726. [fo cedoir].

Aithfegur feneacur ocus iarneacur ocus eacur dathgabail ar fut, ocus nochan faidfegur act eacur nama dathgabail tulla.

Cid is fenecur ocus isi iarneacur, ocus is eacur ann? Ised is fianecur ann, an inbuid is turca beg fo gabad in
C. 2726. athgabail ina táinic in foesum, no in turbuid ann. [Ocus ised eacur, in tan is a naonfecht fo gabad an athgabail ocus tainic in in faosam no in turbuid]. Ocus ised is iar necur ann, in tan is taisce sos fo gabad in athgabail, ocus ni nama on is

kinsman, and ten days for the third kinsman-surety, and these in the same 'magh'-spaces. Distress.

This is when a territorial boundary has not been passed over; but should there be such passing over ten days *are allowed* for every boundary until *it reaches* the boundary of a province; or there is only one *period of* ten days for them all. 'Magh'-spaces and territories extend the stay and the delay in pound for the debtor, and the stay for the kinsman-surety, but they do not extend the delay in pound for the kinsman-surety, and though there should be ever so many 'magh'-spaces in the territories, the stay shall not be extended beyond the *limit of* seven 'magh'-spaces for any unlimited *number of spaces*; or *according to others* it shall be extended, according to the number of 'magh'-spaces which it contains be it ever so great, as far as the margin of the territory. In this case the defendant and the plaintiff are *residing* in the same territory; and if this be not the case, the *number of* 'magh'-spaces shall be considered from the residence of the defendant to the border of the territory; and 'magh'-spaces shall not extend the stay outside the territory, but it (*the stay*) shall increase ten days *for each* until it amounts to a month.

Except cattle which *have passed over* more '*magh*'-*spaces* and more *territories*, though they lessen the periods of stay by 'ruiriudhs' over boundaries. Their delay in pound is three days after *concurrent* driving out; except 'seds' for immediate seizure.

That is, as 'seds' are detained within in the hands of the defendant by 'saire'-privilege or exemption, i.e. except the 'seds' which are seized to be carried away suddenly according to the Senchus *Mór*, for they have no *privilege* before driving out with respect to stay, but they have a *privilege* after being driven out, i.e. after their being brought out *by the plaintiff* at once.

The *privilege* before driving out and after driving out and this *concurrent* driving out are taken into consideration with respect to distress with time, but *concurrent* driving out only is considered with respect to immediate distress.

What is the meaning of *privilege* before driving out and after driving out? 'Ria-necur'—*the privilege* before driving out—means when the distress had been taken a short time before the *period* of protection or exemption occurred. 'Ecur'—*concurrent* driving out—means when the distress was taken at the same time that the protection or the exemption occurred *for the defendant.*

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Distress. tairce frainic in achgabail co teach in fechemun toicheda amach ina tainic in foerum, no in turbuid tall. Ocus tet in foerum a ceann na hathgabala ar fut; co nat fogeltad na blet na lobad ina ceann feneacus, ocus anuair aecor uodein. Nocha ngebinn greim in faerum iarnecus do gref; ocus nocha faerund gin fogelt ocus cin blet ocus cin lobud do dul ina ceand, ce fo dechfut in foerum iar neacus. Gebid greim in turbuid fria neacus ocus iar neacus ocus inuair eacuir budein, cuna tét fogelt ina blech na lobud i cenn na hathgabala ar fut fer in fé sin, fo aicned anta. Ocus nócha nraithfegus feneacus ocus iarneacus dathgabail talla acht ecus nama, uair nocha faefunn in foerum nach in turbuid feneacus ocus iarneacus cin fogelt ocus gin blet ocus cin lobud do dul ina ceand; acht faefund inaimsir ecus nama.

Sic. Inaithmiud in focuil ir feneacus, ocus ir iarneacus ocus ir eacus do achgabail: bo gabus feneacus; coir lem cin fogail ocus cin blet ocus gin lobud do dul ina ceand, uair fe na breith co hinud urdálta, ir ann táinic in faefum no in turbuid; inuair ir eacus budein imurro, coir lem beor cuna díred fogelt na blet na lobad ina ceann, uair ir in inud urdalta fo gabad in achgabail táinic in foerum no in turbuid.

Inuair ir iarneacus imorro, .i. coir leam cuna digred fogelt ina blet ina ceann, uair ir iar na breith cu fuice ineacus, .i. cu fuice in inud urdalta amach, cu fuice teach in fechemun toicheda, táinic in foeram tall, uair nocha faefund in foerum in atgabail iar neacus cin lobud. No dono ir coir lium cuna tét fogelt na blet na lobad ina ceann ce fo fiadt co teach in fechemun toicheda, uair táinic in turbuid tall.

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'Iar-necur'—*the privilege* after driving out—means when the distress had been not only taken before, but also had even arrived at the house of the plaintiff before the *period of* protection or exemption occurred. And the *period of* protection comes to the relief of the distress with time; so that neither *expense of* feeding, nor tending, nor forfeiture accumulates upon it before *concurrent* driving out, when there is *concurrent* driving out. The *period of* protection never takes effect after *concurrent* driving out; and though the *period of* protection may occur after *concurrent* driving out, it does not free it (*the distress*) from *expense of* feeding, or tending, or forfeiture accumulating upon it. The *period of* exemption takes effect before *concurrent* driving out, and after *concurrent* driving out, and at the time of *concurrent* driving out itself, so that neither *expense of* feeding, nor of tending, nor forfeiture accumulates upon the distress with time during its continuance according to the nature of the stay. *Privilege* before driving out and after driving out are not taken into consideration in immediate distress, *concurrent* driving out only being considered; for neither the *period of* protection nor the *period of* exemption frees it before *concurrent* or after *concurrent* driving out from *expense of* feeding, or tending, or forfeiture accumulating upon it; but they free it in the time of *concurrent* driving out only. Distress.

Explanation of the terms 're-necur,' and 'iar-necur,' and 'ecur' in distress:—A cow was taken before *concurrent* driving out ('re-necur'); I deem it right that neither *expense of* feeding, nor of tending, nor forfeiture should accumulate upon it, for before it was brought to the certain place the *period of* protection or exemption had occurred; but when there is only *concurrent* driving out ('ecur'), I deem it right also that neither *expense of* feeding, nor of tending, nor forfeiture should accumulate upon it (*the distress*), for it was when the distress was taken at a certain place that the *period of* protection or of exemption occurred.

And when it is *a case of privilege* after driving out ('iar-necur'), I deem it right that neither *expense of* feeding nor tending should accumulate upon it (*the distress*), for it was after bringing it as far as *the place where the privilege* after driving out *attaches*, i.e. as far as a certain place out, as far, *ex. gr.*, as the house of the plaintiff, that the *period of* protection came for the defendant, for the *period of* protection does not save the distress after driving out from forfeiture. Or else I deem it right that neither *expense of* feeding, nor of tending, nor forfeiture should accumulate upon it even though it had arrived at the house of the plaintiff, for the *period of* exemption occurred to the defendant.

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Distress.

Fo aicneadh na tuirbuid a fad no a gairedh, is fai biag a re cin lobudh; in tan is iar neacar sin; .i. in tan is re neacur imurro dáimic in faesum no in tuirbuidh is dechmuidh a ré aindsin cin lobudh do dul ina ceann, uair tét in tuirbuidh ina deaguidh amach co na fiauitte cu tét lobudh ina ceann; ocus nocha tét in foesum itir ina deguidh.

Nach athgabail faidiur fri anud ar a cuirichur fairre, a anud.

.i. oc birbuidh insin dia ngaibther in athgabail. Is oca biag a anudh, daig is iar sut in athgabail, .i. faoisre in sin fuirre fo miadh. Ní cumgaithur anud ina ditim iar sin, etir cintach ocus imbleogain .i. la fer ar a ngaibther. Do beir in fairre atcur for anud, ma dor necma di re na hecar ar athgabail iar sut. Ní cumgaidhnid a ditim in traigre iar neagur, etir cintaé ocus imbleogain.

Sic.—S.D.

Ui na fech ditim for athgabail iar necur, fethe fogla.

.i. ní fuil tuirbadha fir fogla, .i. dia mbe decbir i nam fogelta ní bi fogelt. Dia mbe decbir a naimsir ditima ni

[1] *But the protection does not continue to apply to it after it is out.* Dr. O'Donovan observes that this paragraph has been entirely corrupted by the carelessness of transcribers. If restored according to his conjecture, the meaning of the passage would be as follows:—

But when it is after concurrent driving out the period of protection arrived, I deem it right that both expense of feeding and tending, and forfeiture should accumulate upon it; for when the period of protection arrived to the defendant, the distress had been driven out to a *certain* place, such, for example, as to the house of the plaintiff, for the period of protection has no effect upon it after it has arrived at its destination. But this is not the case when a period of exemption has occurred; I deem it then right and just that neither expense of feeding, nor tending, nor forfeiture should accumulate upon the distress, even though it had arrived at the house of the plaintiff before the period of exemption was announced at the house of the defendant. According to the length or shortness of the period of the

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According to the nature of the *period of* exemption, as to length or shortness, shall be the time of non-forfeiture; this is after *concurrent* driving out; but when it is before *concurrent* driving out that the *period of* protection or of exemption had arrived, then the time during which forfeiture cannot take place regarding it shall be ten days, for the *period of* exemption continues to apply to it after it is out(ª) and lengthens the time before which forfeiture can take place; but the protection does not continue to apply to it after it is out(ᵇ)[1].

ª Ir. *Follows it out.*

ᵇ Ir. *Does not follow it out.*

Every distress which has claim to a stay, upon which 'saire'-privilege is put, its stay—

That[2] is, this *stay* is with the defendant from whom the distress is taken. The stay shall be with him, for the distress is with time, i.e. the 'saire'-privilege of this man *regulates the proceeding* upon it according to his dignity. Neither the stay nor the delay in pound is afterwards changed, whether with the debtor or kinsman-surety, i.e. with the man from whom it is taken. The 'saire'-privilege, if it should happen before the *concurrent* driving out, puts an end to the stay in distress with time. The 'saire'-privilege does not disturb the delay in pound after the driving out, whether for the defaulter or the kinsman-surety.

Where delay in pound runs upon the distress after *concurrent* driving out, *the penalty* for injury *also* accumulates.

That is, there is no exemption for the person who commits injury, i.e. if there is necessity at the time of feeding there shall be no *charge for* feeding. If there be necessity at the time of delay in pound there

exemption the distress shall remain free from forfeiture. When it is before the driving out of the distress the period of protection or of exemption occurred, a rule has been made that the distress shall then remain ten days without being affected by forfeiture, for the period of exemption follows the distress out and lengthens the time before which forfeiture can take place. The period of protection, as already observed, does not follow it out at all, and has no effect on the period before which forfeiture can take place.

[2] *That.* S. D. is placed in the margin of the MS. here. These letters, frequently occurring in the commentary of this and the preceding volume, refer probably to a copy of the 'Senchus,' either the 'Dul Senchus,' i.e., the Senchus Book of O'Scoba, quoted in page 135, or possibly to a copy called 'Senchus Dubh,' or Black Senchus, by way of distinction from the Yellow Book referred to, page 133, from the Irish of which, 'Senchus Buidhe,' the reference S. B., elsewhere occurring may be derived.

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Distress. bi dithim, bid foigelt, .i. du, baili, no inad na fedeann lobud i ceann na hadgabala iar na breid amach for ecor, feidid foigelt ocus bled. Ocus tusbud fin táinig i naimsir lopta, ocus fo airbertnuid fo cétoir, faor din ar lobad hí, ocus nocho faorann ar foigelt na ar bled, .i. fe ir dithma fen fo, ocus ni tusbud. Ocus i baili ata tuar ir na hadgabalaib ni ditait na dedbiri, .i. tusbud eisidi táinic a naimsir ditma, ocus fo airbertnuide hí fo cetoir, ocus faorud hí fisin fé fin, fo
Sic. aicned cintaigh no mbleogain, uair ir in inad usdalta fo gabad an tainic in faorum no in tusbud. In uair ir iar necur imusfo, .i. coir lem cona digfed foigelt no bled ina cenn fisin fechemuin doicheda. Cusad ar anad ber an athgabail.

Ic macu im anta ocus im orusa coir.

.i. eisisiu nasca ar in mbidbud, .i. faithe insuir ina idir mad inbleogain. Inbleogain tainic ann fin fe dliged nanta da fir cumal hanud coir fo bed an athgabail,[1] ocus nod fe fuaslucad adgabala tainic ann, acht fe ninsaigid fo airbertnuid ann, ocus damad fe gabail athgabala fo airbertnuid, no co gebda adgabail de fir in fe fin, ocus fo biad a fé ninsaigdi do co comlán, uair ir iar ngabail adgabala fo airbertnuid; ised ir ecin comairdugadh idir a fuil ann don fe ninsaigdi ocus inn anad, ocus cid fe dib bus fia cus ab ed bus anad di.

Giall fo tucad fe comallad dligid urraduir, amuil ata a cáin fe comallad dligid canu; no dono na bedir gell in urradur idir; acht comaitidiu adgabala in urradur.

Cred na gell fo deisec? .i. gell fo do flaith daorsad, ocus fe comall dligid ceillsine no bed in giall fo. Na huili giall uili

[1] *Procedure.* In C. 2155, the time allowed to catch a thief is called fé insaigi.

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shall be no delay in pound, *but* there shall be *expense of* feeding, i.e. when, or where, or in the case in which forfeiture accumulates upon the distress after its being carried out by *concurrent* driving out, *expense of* feeding and tending shall accumulate *upon it*. *This was a case wherein* a *period of* exemption arrived at the time of forfeiture, and notice was given at once, it (*the distress*) is then free from forfeiture, but it is not freed from *expense of* feeding or tending, i.e. this is a case where it was the period of delay in pound itself, and not that of the exemption. In the case above-mentioned, in the distresses the necessities do not lessen *the expense of feeding*, i.e. this was a *period of* exemption which came at the time of the delay in pound, and notice was given of it at once, and it saves it (*the distress*) for that time, according to the nature of debtor or kinsman-surety, for it was at the particular time that the distress was taken that the protection or the exemption arrived. But when it (*the period of exemption*) is after driving out, I deem it right that neither *expense of* feeding nor tending should accumulate upon it (*the distress*) with the plaintiff. This is when the distress is upon stay. Distress.

He binds securities about a stay and a proper 'forus'-pound.

That is, he seeks security from the defendant, i.e. there is an 'inscuir'-green in his territory if he is a kinsman-surety. This was *the case of* a kinsman-surety who came to submit to the law of stay to discover whether the distress had the proper stay, and it was not to ransom the distress he came, but he gave the notice for procedure, and if he should give the notice for taking distress, distress shall not be taken of him during that time, and he shall have his time of procedure complete, for it was after taking distress he gave the notice; what is necessary *to be done* is to strike a balance between what remains of the time of procedure[1] and the stay, and whichever of them is the longer shall be the stay for it.

This is *where* a hostage-surety was given for the observing of 'Urradhus'-Law, such as there is in 'Cain'-Law for the keeping of 'Cain'-Law; or, *according to others*, there are no pledges in 'Urradhus'-Law at all; *there is* only equal acknowledgment in 'Urradhus'-Law.

What pledges are these? These are pledges *given* to the chief of 'daer'-stock, and this hostage-surety is for the observance of the law of tenancy. *As to* all pledges whatsoever from the pledges of the

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Distress. ó ta geill in airech tuisi fuar, na is na frogha buden an athgabail gaibther, no dono in togbail marbtha. Na huili geill otá geill in airech tuisi fis is a frogha in fecheman toicheda in atgabail gapus dib, nó in tógbail marbtha, 7rl.

.i. gabur ar tocbail do gnimuib fis i tocbatur na geill
C. 815, 16, &c. airneidis in dligedh fo fis, no in leabur fo.

[Nach mil fil isfeilb duine ata athgabail tectа airi.
A foil do iadad for mucaib, a liag for caisrib fri a cintaib fadesin. Daicc do echaib acht fesrichu, is comand dosuidiub.

Athgabail fescaich nadbiat im buaili; cloch tarsiu fa tri fiad fiathnaisrib, is iarum do agatar hi comund iar lau co naidche.

Athgabail cesc; togthar a narair mad i thig, no crann ara tech mad i mbarr, gat ima bun ocus uscur tarsu, ocus apud cina imbe fridiu, .i. imdibi a nite ocus auscomla forru.

Aithgabail arcoin; crand tar a con umbur, ocus apud ar na biata; ma biata iarsuide is duine cin aire. A commut conbuaćaill ocus cu otriaig, ocus cat, ocus oisce, ocus milchu ma beith i forus; maini bet togtar a flabraid, ocus apud la cach nae.

Caidi aithgabail cać aes dana.
Nin. Aithgabail gobann cetumus; gat im indeoin ocus apud nad tesna atmat fuisri co ndesna cest frit do noch adgair fair. A cumat cać oen oc a mbi inndeoin.

Sair ocus tuidait ocus cach aes tail ocus beili, gad ima beli, ocus apud doaib na desna aicdi ndiib co ndesnad cest frit. Ma atatloat, gaib a nathgabail amail cać norccar.

Aithgabail lega; togtar an echlaisce ocus a fraig. Maini

[1] *Dead chief.* In C. 799, marbgabail, which appears to be synonymous with tógbail marbtha, is explained to be "cows which are taken from the tenant by the heir of the dead chief."

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'aire-tuisi'-chief upwards, it is at his own discretion whether distress is to be taken, or what is the right of the heir of the dead[a] chief.[1] *As to* all pledges from the pledges of the 'aire-tuisi'-chief downwards, it is in the choice of the plaintiff whether he will take distress of them, or the right of the heir of the dead chief, &c. DISTRESS. [a] Ir. *Death seizure.*

That is, concerning this description of seizure and the deeds by which the pledges are taken, the following law, or the following book treats.

Every beast that is in a man's possession may be legally distrained.

Pigs are shut up in a stye, sheep in a fold, for their own trespasses. 'Bac'-enclosures *are to be used* for horses, except foals, which are enclosed in a 'comann'-pound.

In the distraint of barren cattle that are not in a cowhouse, a stone *is to be thrown* over them thrice before witnesses, after which they are put into a 'comann'-pound for a day and a night.

In the distraint of hens, their 'aras' is taken up if in a house, or *let* a stick *be put* on their house, if in the top *of a tree*, a 'gad'-tye *is to be put* at its foot, and a shot to be thrown over them, and a prohibition of hedge-crime that they be not taken away, i.e. let their wings be clipped and a spancel be put upon them.

In the distraint of a chained dog, *let* a stick *be placed* across his dog-trough, and a prohibition made that he be not fed; if he is fed after *this*, there shall be a man trespass upon him. The same for a dog that herds the cows and for a dung-hill dog, a cat, a lap-dog, and a greyhound, if they be in a residence; if they be not, let the chain be taken up, and a prohibition *given* as to each of them.

What is the mode of distraining every kind of men of art?

Not difficult. *As to* the distraint of a smith in the first place, *let* a 'gad'-tye *be put* on the anvil and a prohibition *issued* that he do not work any material upon it until he cedes justice to thee in what thou suest him for. *Let* the same *be done in the case of* every one who has an anvil.

As to carpenters and shieldmakers and people of every class using adze and hatchet, *let* a 'gad'-tye *be put* upon their tools, and a prohibition *be issued* to them that they do not construct any piece of work with them until they do justice to thee. If they abscond, take their distress like *that of* every non-professional person.

As to the distraint of a physician: let his horsewhip or his probe be taken up. If he has not the proper number *of such things, let* a

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Distress. be lin coir laig, fnaithi immon mer ar neram don luadin. Mani dama ir eliud do; ocus apud la cáe nathgabail dib.

Aithgabail ecis; togtar in nechlaigc, ocus apud na nad naidib fri ae co ndelna cert frit.

Aithgabail aesa ecolga; throscad ocus apud iarum nad ngeba a raitir náe a crevdo ocus nad tet do racarfaic ocus do
Sic. aubairt. Mad aes graid no aes creidme im toig a cluicc no im coir a altoire, ocus apud na ro oirfrithes fuirri, ocus nad mbentar cloc do thaebaib. Do airchindchaib ocus aesgraid indo. Ma atloat gaibter a fesci no a mblicta, mana tincatar.

Aithgabail fig; throscad iar narad cirt. Iadaid for laoga mana be aithech forta laig. Aitheć bunaid fon folaing cinta fig do grés; ore ni condidi a athgabail airig. Mana be aitéć forta laig, aitheć a fer fine ina cinaid, ocus faigi fine uili laig; arlan arus do corus fine, faigi do cach laig in naile.

Aithgabail dam in aimsir erraig, cumscugad in amlaig foraib, ocus apud nad nartarr indib; mad arrtarr tairr, is duine cin.

Aithgabail bech, iadaċ foraib. Cid ar ngaibter for beċaib. Ar cin a mbel. Ar aċe .iii. a fodla ata annsom fileo do dir, orgain do beċaib ocus echaib ocus mucaib.

Co forcongar forr na bechaib fobiṫ is annsa athgabail neich dib seich ind aile. Nin. Do teit fer tiri co fiadnaib laig. Tideal no barr blaiṫe laig foríti ina mbech; ocus teit iarum do timtirech in lertair, co fiadnaib laig condaccai corin comardu adgniṫrae; ocus iarum forcongar forru sinn taingille. Do

[1] 'Gad'-tye. This is inserted on conjecture.

[2] Boundary pledge. Taingille would appear, from O'D. 1024, to be a sort of guarantee that the bees would not pass beyond the land which is nearest them on every side, whether much or little.

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thread *be tied* about the finger next to his little finger. If he does not cede justice, it is *the same as* absconding on his part; and *let there be* notice *served* for every distress taken from them (*the physicians*). DISTRESS.

As to the distraint of a poet: let his horsewhip be taken up, and a warning given that he is not to make use of it until he cede justice to thee.

As to the distraint of ecclesiastics: fasting *is to take place* and afterwards notice *is to be given* that they say not their Lord's Prayer nor their Creed, and that they go not to the sacrifice nor to the offering. If they be persons in orders or religious persons, *let a 'gad'-tye*[1] *be put* upon their bell-houses or at the foot of their altar, and a warning given that there shall be no offering made upon it, and that the bells for the hours shall not be rung. This refers to 'Airchinnechs' and persons in orders. If they abscond let their dry cows or their milch cows be seized, unless they tender justice.

As to the distraint of a king; he is fasted on after proper notice. Let his calves be seized if he has not a steward-bailiff. This is an original steward who always sustains the liability of a king; it is what saves him from being distrained as a chief. If he has not a steward-bailiff, his steward of the family *is responsible* for his liability, and the whole tribe is sued with him; their face is safe *from disgrace* in the tribe-law, when each of them is sued with the other.

The mode of distraining oxen in the spring time, is to move their harness upon them, and to give notice that ploughing shall not be done with them; if they are used for ploughing, despite of this, it is a personal crime.

The mode of distraining bees, is to close upon them. What is it that bees are distrained for? For the crime of their mouths. For, the three most difficult *to be estimated* damages which appertain to land are—the damages of bees and horses and swine.

How are the bees made liable, since it is so difficult to seize upon any one of them beyond another? Answer. The man that owns the land goes with witnesses along with him. He takes a 'tideal,' or a flowery branch with him which has been eaten of by the bees; and he goes then to the aperture of the hive, accompanied by witnesses until they have seen them and the mark which they make *on the flowers;* and their violation of boundary pledge is[2] sworn upon them. This (*i.e. what follows*) is secured to him. He is paid in

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Distress. naiſgellſar do. Is fochraic do dorud, no faide do do fil bech, co fabad beich laiſ feiſſin. Manada fer dibi do aiſcellſar do sin isse smacd fil fris, dilgi neich adroiſ diib inn a thiſ.

Daurbaid aithgabala, .i. slog hi maig loiscer ocus gonaſ; slog arec fiſ muintiſ; ferdach slaida; deilm conualai duaith nach do celaib natha.

Cach durbaid disunn is gona aurus sin; ma gilid, fochandud cona athgenim iaſ daurbaith sreiſ bretheman.

Nach athgabail dan do neim, damu arud, nis dimaisiud aitherrad acd am sig, ar is forb slaid sid do cach.

A mech dan ocus ised. Mech di mana daisi aidce noligter mani deraib derbaid. Seul ma deisid no imoroim. Ni mech ni seul ora lacht so naraſ nancuma amlith; nacha didim fer i do beiſ essul co toid co gell no mblith co tasaiſig fear beda ai gell di. Arber in fer conai, ni gelliubra ad sri inoraic isuidiu. Promtaiſ maith eiſi iaſsuidiu feolaid in athgabail, ocus do bongatar in smacta.

Nad duine dan lasn abi forulgud ni bi nemder fuiſiſiud laiſ, ar ni dlig fuiſed.

In dan gaibter athgabail mana arta aigni cin fuiſiſi so cétoiſ, co na narta dia cuicde in dan dombiſiſ i foſus, adcuiſiud cuicte inathiſiſiach iaſn artad cinaid.

Dem athgabail cuicthi do sobudar i dreisi, anath cuicde iaſum.

Dem athgabail dreisi do sobadar i cuicde ansid dreisi iaſn artad cinad, is aisi narcaſ iaſum in athgabail.

Ar is innraic cad nimbleogan; foxla driar do cedſuſ; nis ngab nis fuadnge; dlomdar siadnaisi;

[1] *Ignorance.* Not knowing the way to the place where it was to be delivered.

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fruit, or in a swarm of young bees,[a] so that he might have bees of his own. If this (*the preceding compensation*) is not secured to the owner of the land, the penalty of the case is, the lawful right to such of them as he shall catch in his land. DISTRESS.

[a] Ir. *Beeseed.*

Exemption of a distress, i.e. *when there is* an army in the field which burns and kills; a retributive army upon his immediate family; *the case of* raising a tomb to his chief; of a plunderer which has entered the territory not for killing or wounding.

Each exemption of these must take effect at his house; if he gives a pledge, he engages to restore it (*the distress*) after the exemption according to the judgment of a Brehon.

Every distress, therefore, *which is taken* from a distinguished person, if with time, cannot be distrained again, *within the stay*, but by a king, for he is a chief superior to all others.

As to failure then and absconding with respect to it (*the distress*). It is failure with respect to it if it does not come on the night in which it is due, unless there has been driving away *by another claimant. It is* absconding if it be *a case of* ignorance,[1] or driving over the boundary. It is not failure, it is not absconding when it is milk that is engaged in the case, should it be in milkless *cows payment is made;* nor does the man who carries it over the boundary *terminate* the delay in pound if he comes with a pledge or milk, until the man whose it is gives a pledge for it. The man who guards it says: "I shall not accept a pledge now except from a proper person." Let it be proved, then, that the *supposed* ignorance is an absconding as regards the distress, and the fine is recovered.

No person, now, who has not *power of* releasing, has privilege of binding, for he is not entitled to bind.

When a distress is taken, unless an advocate fastens a liability on it, and does so fasten it within five days when it (*the distress*) is brought to a 'forus'-pound, there are five days more *of stay* added after the liability is fastened.

If it were a distress of five days' *stay* that remains for three days, there is a stay of five days *upon it* afterwards.

If it were a distress of three days that remained for five days after the fastening of liability, it is for that *term* the distress is bound afterwards.

For every kinsman surety is worthy; three carry off to four; he does not seize, he does not carry off;

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Distress. flan cach didiu; daer cáe dícell; ar fen ar inn chun dichma; fri forus; na comdinadar cin fri faiche.

Ar ir innraic cáe ninbleogan, .i. irr co ninnracur ir denti dor. Foxla triar, .i. feichem ocus fear taircill ocus fiadnairi. Do cetrur, .i. brecem ocus denaim ocus aitire fechem fritraice accra, .i. curap comgrad do furidiu fear adgair. Nir ngaib nir fuatnge, .i. ar tet fechem do agabail in fuirig, .i. la bidbad. Dlomtar fiadnairi, .i. aon fiadnairi oc an athgabail, ocus oca turbaid. Slan cach didiu, .i. ciat be lat ir in lir. Daer cáe dícell, .i. ma ro mugaidter amuig. Ir de ata, do boing accra eitic, .i. co tet in eric. Aire forgill no ollam filid ithe berdai brith fuirri. Ar fen ar inn chunn dithma, .i. o do rocétatar ar amboda corra amail mbeidi a huidi, .i. oen ocus triri gril. Fri forus, .i. reigid, .i. ir and do duit ro deoid. Na comdinadar cin fri faiche, .i. cid mo in athgabail oldaiss in cin.

Fer dono dia ndligter aithgabail do tabairt i forus aidce naircinne, co tairi fuine ngreine ni haclaid. Act tairi tect hi ligi, no di dono cid ri maidin ar amlad dligther. Feraid boin mana di aidce luain. Mad co tech inro i mbet duine, arrufuirgled a diaétain inna athgabail inn aidce rin. Mad co cricha, no co far, ir ecen fiadnairi infraic occo.

Athgabail dana lar na aile, ce ni tairre fuine ngreine, act do airre ni ara cloatar a éele fai nuad; ni naclaid. Ir de irrubrad; denache dlomaid fiada tar cend alaile. No acht di dana inaidche fiad fiadnaib, ocus berair do ara bárach co a tec fadeirin.

Athgabail for niatar in ecnairc nech no fuataigar, innraic di a farc co infraicc.

Ma fuadaé ndicmairc no fri aidce iriung a farc, ar nab taide.

Athgabail tra dreiri ocus cid aine; ni fuil folta fria lega

[1] *Green.* This paragraph of text has been restored by conjecture from the gloss, which is without text in the MS.

[2] *But.* In the margin of MS. 'ared,' 'it is,' is suggested for 'act,' 'but.'

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a witness is named; every protected *thing* is safe; every thing not sheltered is condemned; they (*the* '*seds*,') are collected at the end of delay in pound; at a 'forus'-pound; the debt is not to be equalized to *the distress* in the green.[1] DISTRESS.

For every kinsman-surety is worthy, i.e. it is by worthy persons shall be effected *the seizure* which *is carried off*. Three carry off, i.e. the plaintiff, and a pledge-man, and a witness. To four, i.e. a Brehon, and a binder, and a surety, and a plaintiff equal to the suit, i.e. that the man he sues is of equal grade with himself. He does not seize, he does not carry off, i.e. because the plaintiff goes to seize the feast, i.e. along with the defendant. A witness is named, i.e. one witness at the seizure of the distress, and at the exemption. Every protected *thing* is safe, i.e. though they be with you in the 'lis'-fort. Every thing not sheltered is condemned, i.e. if found in service outside. Hence comes the maxim, "demand recovers 'eric'-fine," i.e. how does the 'eric'-fine go? An 'Aire Forgill'-chief, or an 'ollamh'-poet it is that gives judgment upon it. They (*the* '*seds*,') are collected at the end of delay in pound, i.e. when they have come to a fair adjustment as to what the times may be, i.e. one day, and three days, &c. At a 'forus'-pound, i.e. of the king, i.e. it is there it (*the distress*) becomes forfeited at last. The debt is not to be equalized to *the distress* in the green, i.e. should the distress be greater than the debt.

As to a man, now, who is bound to bring a distress to a 'forus'-pound on an appointed night, if sunset has come, he is not sued *for fine*. But[2] he comes before going to bed, or he comes at any time before morning, and it is in such case it (*the liability*) is bound *upon* him. He pays a cow if he does not come upon a Monday night. If this be to a house in which there are people, they bear witness to the coming of the distress on that night. If it is to fields, or a waste, there must be proper witnesses with them.

As to a distress, now, which is due to another person, though it came not before sunset, yet it has come as far as that his comrade hears a shout from him *who brings it;* he is not sued. Hence was said: "*In the case* of late persons, let witnesses speak for one another." Or, *he does not come then* but he comes even in the night before witnesses, and it (*the distress*) is conveyed to him on the morrow to his own house.

As to a distress that has been taken in a person's absence, a worthy person gives notice of it to a worthy person.

If it be a carrying off without asking consent, or by night, *the distrainer* himself is to give notice of it, since it is not a theft.

As to a distress of three days' stay, and even of one day: there are no clothes for his benefit but his own clothes, i.e. a man who is

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Distress. acht a folta fadeirin, .i. fer dligeas altrum fola ailtruma frisi. Inrudrachta fola inrudrechta frisa tectai, fri cach nathgabail.

Aithgabail cinaid, ocus aithgabail tobaig, is fain cechtarnai; ni tiagat cechtarnai fri araile.

Aithgabail gona duine, ni teit fuirri acht guine.

Aithgabail gaide, ni teit fuirri act gat.

Sic. Aithgabail airir, ni teit fuirri acht airir cob dri co bo tri cach nai, acht airir frig; dligidride fechtcumala inna airir.

Aithgabail cinaid ni teit tar fechtcumala; ar na fara fechtcumala ni teit acht aon cin fuirri.

Nimtha aithgabail tobaig; do bonga di cid log fichet cumal, cid felba, cid fatha, cidna aill olchena.

Fer bis fri folta cinaid fine i tuaith, ni gaibter acht teora aithgabala aithe. Tri cinaid for cach nai, con ro nartar fora cach cednai ni gaibter airi; arus fomor do imluad ber mar e in fer arindithet athgabail a cinaid a ceile. Secht reota dec fair inn, no deic mbai dithmai ocus di bai ina athgabail. No indech ocus di bai inna muin, a dí no eó inadeó.

Amail fon charta nech focair a fmachta o ro metha inn athgabail. Cia arberad a laile ni tuitet a fmachta ai, ar is ember a fache ata fon; ar is digaidiu arrubrad; ni tuitett fmachta ai; ni tuit colaind gellaib.

Mad lulacaib, is dia cuicde; mad ba indlaoga, is dia decmaide.

Smacht dartha namma do na fuirimiter cuicde na decmaid; acht is taite gaimriu, fobith ber bid gamnach a machair fair; co ndechaid a ndirca ni herinar.

Cid gaimriu din narar berer bit a famrad arrechar a fmacht; no bid a ngaimrid cid a famrad narair.

[1] '*Airer*'-*fine*. In C. 347 'airer' is thus explained:—"The seventh part of 'Eneclann' is the 'airer' of every grade up to the grade of seven; and a 'cumhal' is the 'airer' of every grade from that up to the king of a province, or of Ireland, and two 'cumhals' for him."

[2] *Restitution in kind*. 'Indech' means restitution in kind, i.e. a milch cow equally good for every milch cow; an in-calf cow for an in-calf cow, &c.

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entitled *to have* fosterage *performed* shall have fostering clothes of his own. If clothes have gone into prescription, all things that appertain to them go into prescription also, as regards every distress. Distress.

The distress of a debtor himself, and the distress of his kinsman, differ each of them; they do not either of them agree with the other.

As to a distress for the wounding of a person, there goes upon it but the *penalty for* wounding.

As regards a distress for theft, there goes upon it but *the penalty for* theft.

In the case of a distress for 'airer'-fine,[1] there goes upon it but treble of the 'airer'-fine, except the 'airer'-fine of a king; he is entitled to seven 'cumhals' for his 'airer'-fine.

The distress of a debtor *himself* does not go beyond seven 'cumhals;' upon what does not exceed seven 'cumhals' there goes but one debt.

Not so the distress of a kinsman; there is recovered from him even to the value of twenty cumhals, whether lands, whether stock, whatever else besides.

As regards a man who is responsible for the misdeeds of a family in a territory, there are but three distresses to be made off him. There are three misdeeds upon each of these, and until any further *misdeeds* are fastened upon these in the same way, none is distrained for it; for, very great is the driving *of cattle* that shall be if it is upon the man a distress shall fall for the misdeed of a member of his family. There are seventeen 'seds' *to be exacted* from him for it, or ten cows for the failure, and two cows for the distraining of him. Or restitution in kind,[2] and two cows along with it, two cows or a horse after.

In the same way that restitution in kind fails (*i.e. that he is condemned in it*), his fines fail when the distress fails. Others say that his fines of suit ('ai'), do not fall, because it is in the cases of security that occurs; for it was of them was said: "The fines of suit, ('ai'), do not fall; the value[a] of pledges does not fall."

[a] Ir. *Body.*

If they are milch cows, it is after five days *they are paid;* if in-calf cows, it is after ten days.

It is *in case of* a fine of a 'dairt'-heifer alone that there are not fixed five days, or ten days; but this is in the beginning of the winter, because that its mother is a stripper in its place; until she runs dry it (*the fine*) is not paid out.

Though it be in the winter it (*the debt*) is fastened, still it is in the summer its fine is paid; or it is in the winter *it is paid*, though it be in the summer it is fastened.

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Distress.

Imorus nathgabala tra. Athgabail egar tar crich, airm in agar no in arada ar ann a forfulgu; arfeo a forus. Gell di, co imocbail iaram co crich tecta.

Athgabail fodaig a chumat.

Aithgabail flatha aru ceile im tecta flatha, is tech inna flatha a forus.

A cumat arad ar a manach; ocus athair ara mac; ocus fidir aru felmac.

Aithgabail gaibes fer dana fri les no diubarta, co tec a forus. Aithgabail gaibes airesom a cumat, act biathaigsom cach noccoi. Ced biathad so miad inn rig. Cuid etan a muinntiri do iarmotha sin.

Forus tecta tra do athgabail, forus ara fuaiglidir di.

Ar atat foruis ar na fuaiglitir di athgabail. A bret so cleth; a bret a nuaim; a bret a noidrib; a bret foi fid; a bret a nooirche; ar is foruis tadat ocus indlige. Co tuictir din cach aithgabail i foirce ocus is follus ni fuaiglither di.

Ata dono forus dila cinta di aithgabail, .i. a fuirech i ndail imbi ri, no epscop, no fui, no uaral nemid frechir é; a fuirech i faichi cainte, no sir nad fuilngeth griaidi, ar ni daimsiud dligiuth isin do dinne.

Fer do beir aithgabail i forus so be fiadnaise lais occo. Anaid iarsin ind athgabail la fer do dobeir a forus co ngill, no din, no didim. Ma dithim di, do beir i faichi ind aig, no mbachlaig, no ind aignod; ocus do tuit dia decmaide mana fuaiglither di. Cia arberat alaile nan tuitet act a dig airec tuisi, fobid fiadnaisi innsaice, ocus na bad ecomme araill.

Ata dono, gell tar benna, no gell tar eochu, di athgabail iar ndidim. O so icfaisin cin frith gaibter, con resar iaram

[1] *Residence.* The residence of a chief, or any other lawful place to which it should have been driven.

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As regards evasion of residence[1] of a distress, now. *As to* a distress which is driven over the boundary, the place to which it is sent is the *place where* it shall be released; it is its residence. There is a pledge *given* for it, and it is afterwards brought to a lawful place. DISTRESS.

The distress of a 'fothach' *is made in* the same way.

As to the distress of a chief upon his tenant for the dues of the chief, the house of the chief is its residence.

It is the same with *the distress of* an abbot upon his tenant of ecclesiastical lands;[a] and of a father upon his son; and of a tutor upon his pupil.

[a] Ir. *Monk.*

As to the distress which a poet takes for a just claim or fraudulently, his house is its residence. A distress which is made upon him is the same, but he feeds the people himself. The first food is according to the dignity of the man *who sues.* He has the prescribed share of his people from that out.

A lawful residence, now, for a distress, is the residence in which it is released.

For, there are residences in which a distress is not released. If carried into concealment; if carried into a cave; if carried into a wilderness; if carried into a wood; if carried into a dark place; for these are the residences of thieves and outlaws. Until every distress is brought into light and manifestation it is not released.

There is, however, a residence which washes out the liability of a distress, i.e. to seize in an assembly in which there is a king, or a bishop, or a professor, or a noble 'nemidh,' whoever he may be; to seize in the green of a satirist, or of a man who does not suffer 'gruaidhi,' for he vouchsafes no right whatever to a person.

A man who carries a distress to a residence shall have witnesses of the fact along with him. The distress remains after that with the man who has taken it to a residence, until *it be released on* pledge, or remission, or until *the end of* delay in pound. If there is delay in pound, he takes it to the green of a farmer, or of a shepherd, or of the advocate; and it falls *to the plaintiff* after ten days if not released. Though others say that it does not fall or become forfeited to the plaintiff but at the house of an 'Aire Tuise'-chief, in order that there should be worthy evidence, and that any other place should be deemed not sufficiently public.

There is, too, a pledge *given* for horned *cattle,* or a pledge for horses, if taken in distress, after delay in pound. When, then, the debt for which it is seized is paid, the distress is retained by him

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Distress. fristen athgabail ocus beis comrach forrae no frithe; ocus ni frita ni gil., man artat cuis bel fri tidim. Cia bed dono cuis bel ano, aforuidet adi; ocus ni diubaiss, as ni frecais ni hind athgabail uaisi fo nicat cin frisi fogba. Ma co tri frite, maine comrai ni tarombe di.

Ma gellta is tra, narcas imi techt dinich; ocus ics os an ind athgabail frisi in da cin aile; ocus narcais frithech don chet chin.

Aicc macu hi fiacha noisrait don athgabail do neoch imme fuigle in aicdiu. Aic macu dono dommicsafasa huait in naithgabail fo frisi da chin aile cach og; cach asus; cach bes; cach indul; cach didiu; cach etaim; cach fiadnaisi do doid fobes cetnaine. Acht trisi no cuicte nad urchurus. Is fos sin do gnithes dliged immilliud athgabala.

Cid as nach fos dalaib dligid ata cetasliacht indiu.

Nin. Duriba inna fecheman timgarat inna certa; ocus baes inna mbrethemon nad immedatar andalai dligid. Ar dia fuctar dligid nuine no aile, .i. fos aile no treisi i ndligedh nuine, arlither diredtar cuis. Atlatar dal; adnuither cert, manis iar ndligedo teis cach dail tecta; as ni fodu fisinne forlaim ndala dligedo inna aile. Nimfuilngeth letarud. Ni fiuctes; nand ni fegar, ni hindligedo.]

[1] *Retaliation.* That is, honor-price, and double.

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afterwards, and he makes a demand upon it, or retaliation[1]; and he (*the creditor*) does not retaliate, &c., unless it (*the debt*) has been fastened by verbal engagements, in case of delay in pound. Should there be verbal engagements, however, they fasten *two retaliations;* and this is no wrong, because the *first* distraint does not answer, except for the debt for which it was made. If it is for three retaliations, unless they have been fastened they cannot be recovered off it. Distress.

If pledges are given for it (*the distress*) in the meantime, he (*the debtor*) is bound over to appear in court *to clear it off;* and the distress is then detained for the other two debts; and he is bound to answer the first debt.

Bind securities for the full debt of this distress for the adjudication of which the security is given. Bind securities too, that you will pay from you to me this distress for the other two demands (*or debts*) in all fulness; in every residence; in all usages; in all goings forth; in all things determined *by the law;* in every determination; in all evidence such as appertained to it at first. Only three days, or five days, *are given* when *the distress* is not lengthened out. It is in this way the right method of returning a distress is observed.

Why is it not upon stays of law that the four modes *of distraint* are based at this day?

Answer. *Because of* the ignorance of the advocates who seek to solve the difficulties; and the incompetency of the judges who cannot estimate the stays of law. For, if the law of one day or two days be given, i.e. to *three days, or* of two days or three days to the law of one day, sureties are sued and stripped (*made to pay*). Let, *then*, a stay be re-issued; let justice be dispensed, unless it is according to law every legitimate stay has issued; for, forcing the stay of one day upon two days is not a truthful case. Unfairness shall not be suffered. It (*the debt*) is not paid: there is no stripping it, it is no wrong.

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incipit do gnimuib giall anno.

Hostage-sureties.

Di gnimaib giall gaibter.

Ina geill atbeir funn ni airneidenn etir flatha oca, act in laim i mbit, ocus colpach gellaid gach noidchi co ceann fecht noidci fichit ifin láim imi bitus; ocus famluid gellus gach noidci dona tri haidci dedinucha, conad bó ar fichit fin uili. Ocus da digad bidbuid re dligedh and fin, na gebta cert aitgin uad. Mar digbad imurro laim geill, ictus diabluid do neoch imar digbad a láim fris, ocus cert aitgin cach neich foracbud ina láim, ní fuil a fogha doib funn ima tuargabail, act in tan is ail don fechemuin. Act muna tincet, ocus mafa tuargabail fo tuargabuit iar nélódh do bidbuid, fedet na ceithre coirpdiri iar nindligedh bidbuid ocus fechemun doicheda; ocus mad frithgigid don bidbuid re giall in fechemun doicheda, is lé naduid fair tuargabail ocus no ni fo gell, ocus gin coindiguid, ni lugha no bia .uii. diabluid na fiach.

Sunn imurro atá a canae.

Aragaig trichat bo berar. In tricha bó fil funn it fecht mba fichit innlaeigha ocus trí luluca; ocus a let fin gealladh i ngiall gach noidce co diaig in trichuit aidche, cuid diabluid a nech gellad fim is in cúic fine fris i ní; ocus ma erium icus in fiad fo fri fechemuin doicheda ocus fri flaith, is diabluid da trian a coirpdire do o fine, ocus eneclann ocus diabluid in fech icus amach.

Sean leigedh in lepuir buide cétna fo:

Se fsripuill dec gealla in giall gach noidce don trichuit

[1] *He incurs an implied promise.* C. 687 says: "The hostage-surety incurs the liability of sixteen screpalls every night during the thirty nights."

[2] *Cows.* If we take eight 'screpalls' for the value of a 'colpach'-heifer, as given in C. 1266, and take for the value of a cow twelve 'screpalls,' which is given in the same place, as a value for a 'samhaisc'-heifer, then twenty-seven 'colpach'-heifers = eighteen cows, and the addition of three cows gives twenty-one cows.

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The Law of SERVICES OF HOSTAGE-SURETIES BEGINS HERE.

OF the services of hostage-sureties which are taken. HOSTAGE-SURETIES.

The hostage-sureties which it (*the law*) mentions here it does not mention between chieftains, but *the person* in whose hand they are, and he (*the hostage-surety*) incurs an *implied* promise[1] of a 'colpach'-heifer every night to the end of twenty-seven nights for the *person* in whose hand they are; and in like manner he incurs the implied promise of *a cow* every night of the three last nights, which amount to *the value of* twenty-one[2] cows in all. And should the defendant then come to submit to law, perfect restitution would be obtained from him. If, however, the hand of the hostage-surety was emptied, double shall be paid him of what was taken away from his hand, and perfect restitution of everything that was left in his hand, there is no choice to them here respecting taking it up, except when the plaintiff likes it. But if offer *of law* was not made, and if trespass has been committed after the absconding of the debtor, the four body-fines shall accumulate in consequence of the illegal *conduct* of the debtor and of the plaintiff; and if the hostage-surety of the plaintiff sues the defendant, he must allow him time of notice for trespass and what he *incurred on his implied* promise, and though he does not submit *to law*, he shall not the less be subject to seven '*cumhals*' *and* double the debts.

This is what is in 'Cain'-law.

For what is given amounts to thirty cows. The thirty cows which are here *mentioned* are twenty-seven in-calf cows and three milch cows; and the hostage-surety incurs the *implied* promise of half of this *nightly amount* every night to the expiration of the thirty nights, and the double of what he becomes liable for is *to be paid* by the five nearest tribes; and if it be he that pays this debt to the plaintiff and to the chief, he shall obtain double the two-thirds of his body-fine from the tribe, as well as honor-price and double the debt which he pays to the plaintiff.

This is the old reading of the same "Yellow Book"[3]:—

The hostage-surety incurs the liability of sixteen 'screpalls'

[3] *Yellow Book.* This was probably a Yellow Senchus, "Senchus Buidhe," from which the reference S. B. may be derived.—*Vide* note, p. 115 *supra.*

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Hostage-sureties. oiṫe, ocus se srubaill ceaṫar de in da oiṫe fuilit forsin trichait oiṫe, conid secht cumala dorom o sine, ocus fuinn canai forru.

Dul Sencus hi Scoba so sis.

Colpach ceiṫri srubaill gaċ noiṫe co ceann ceiṫri noiṫe sechet, ocus sé samaisce gaċ noiṫe do na teora oiṫe degmacha, cona deċ mba sechet samlaiṫ. Cinaid son aile bes doib dilus, .i. a cutruma eile lais in cinaiṫ acaltus sos in gall do ic, ocus coisrodse in gell, ocus einecland dia taisctes dligeṫ, ocus muna taisctes ni fuil ni etir, uair is ann ata eisic agra borblachuis in tan tarngaṫ dligeṫ.

Aisnéis trichad mbuain bes.

.i. in trichad do dorime sunn teora laṫaca ocus secht mba sechet inlaeiga, cenid do ar sechis samlaiṫ, do laṫacaṫ, cenude sin secht cumala usnaduis. Ocht srubaill gella gall caċ noiṫe in usnaduis, ocus leṫ nuingi a cain, cona diabla dorum donni gella. No, ar da ba déc fesi dorime sunn so cetóir, ocus na da ba dithma in gell; ocus in tricha do dorime sunn, .i. laṫaca, cani da ba ar trichait samlaiṫ, conid secht— *Sic.*

Is inann fuind colainn-esce gell i nusnaduis ocus a cain, .i. dian do airdri ocus a dian do gall, ocus a dian do fechemain toicheda: lanesic in cinaiṫ ima tuargaib in gall, log einiuċ in gell, ocus diabla do caċ eisic, ocus ni bes etarslait ni uair na timairg a tuaṫ.

In tricha do atbes sunn it secht mba sechet inlaeiga ocus sé laṫaca, ocus a leṫ is gellus gall gaċ noiṫe don trichad oiṫe; cani diabla mech gellus ised icait sine srisium; ocus

[1] *Cows.* Dr. O'Donovan observes that a 'samhaisc'-heifer is sometimes valued at sixteen 'screpalls;' so that nine 'samhaisc'-heifers=144 screpalls, and twenty-four 'colpach'-heifers=ninety-six 'screpalls.' These added give 240 'screpalls,' or thirty cows worth eight 'screpalls' each.

[2] *Milch Cows.* If the in-calf cows are worth two-thirds of the milch cows, say

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every night of the thirty nights, and six 'screpalls' for each of the two nights which are over and above the thirty nights, *the value of* which amounts to seven 'cumhals' for him from the tribe, and which are divided according to the 'Cain'-law. HOSTAGE-SURETIES.

That which follows down here is from the Senchus Book of O'Scoba.

A 'colpach'-heifer worth four 'screpalls' every night to the end of twenty-four nights, and three 'samhaisc'-heifers for every night of the three last nights, which thus amount to *the value of* thirty cows.[1] There is another liability also due to them, i.e. another proportion is to be paid equal to the liability which is demanded of the hostage-surety, and the body-fine of the hostage-surety, and honor-price, if law be offered, but if it be not offered there is nothing *to be paid*, for 'eric'-fine for unjust suing is *due* when law was offered.

For what is given amounts to thirty cows.

That is, the thirty cows which are reckoned here are three milch cows[2] and twenty-seven in-calf cows, which are thus *equivalent to* twenty-one cows, *i.e.* milch cows, until they are equal to seven 'cumhals' of 'Urradhus'-law. The hostage-surety incurs the *implied* promise of eight 'screpalls' every night in 'Urradhus'-law, and half an ounce in 'Cain'-law, and he receives double what he incurs the liability of. Or *the calculation is made thus:* twelve 'fesi'-cows first of all, and the hostage-surety's two cows for delay in pound; and the thirty cows reckoned here are milch cows, making thus thirty-two cows, so that seven * *[2]

The distribution of the body 'eric'-fine of the hostage-surety is the same in 'Urradhus'-law as in 'Cain'-law, i.e. one-third *is given* to the chief king, one-third to the hostage-surety, and one-third to the plaintiff; full 'eric'-fine of the liability for which the hostage-surety was taken, the honor-price of the hostage-surety, and the double of every 'eric'-fine, and the intermediate chief obtains nothing because he did not distrain the land.

The thirty cows which it mentions here are twenty-seven in-calf cows and three milch cows, and the hostage-surety incurs the liability of the half of them every night of the thirty nights; and the double of what he incurs the liability of is what the tribe pay him;

eight 'screpalls' each, and the milch cows twelve 'screpalls,' then the proportion here stated comes out.

[2] *Seven.* The text appears here defective.

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Hostage-sureties.

mas ersum icus in fiach so fri fechemuin toicheda, is diablad da thian a coisroire do o fine, ocus einiuclunn ocus diabluid ineć icus amach.

Airrdi flan do giallaib gaibtus.

.i. ireo flan ngell, .i. ba fesi gell, tricha a lin, ocus fećt cumula a dićma, ocus diabluid fiaċ for bidbuid, .i. irreó flan ngell ocus einecluinn ocus dubluid inech icus amach.

Ar boin cach naidće ailes.

.i. ba fesi gell, tricha a lín, ocus fećt cumula a dićmu, ocus dublad fiach for bidbuid. Samuis gellus cintaċ caċ naidće co cenn tri naidće, cona bo mor ar maidin; ocus colpaċ trin gellus in giall caċ naidće co cenn fećt naidće fichet, cona bo innlaog ar maidin, cona fećt mba fichit inlaog frin ar oct mbuaib dec trelaog, ocus na tri ba fećir ar na tri haidće dedinću friu frin, co na bo ar fichit fećir do giall amluid frin ar trichait laithe.

Dedid leć lan ngell do tuit for caċ.

.i. do airgithur colainn eruic don giall a leć in ti do beir ailri cin tincisin .i. forsin fechemain gaibis in giall etechta; ailiter for caċ aon do beir arlan, .i. atairgithur lan an erce in gell do tuitim illeć in ti tucustur he fe follugad, no fe hic nerce lain tarfu cenn, .i. flaiṫ atnug uid, ocus tuaṫ anad bis for in ngiall fria tincisin co cenn trichait la.

Sic.

Ma tincithir isridiu, icait a fine a fećt cumulu frannaićer itir flaiṫ ocus an giallna, .i. da thian don flaiṫ, ocus aon thian do giall; no is fainn i nde. Maine tince fine in giall in cinne in trichait la, icait som da thian na fećt cumula a lan

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and if it be he that pays this debt to the plaintiff, double the two-thirds of his body-fine *shall be paid* him by the tribe, as well as honor-price and double what he pays the plaintiff. HOSTAGE-SURETIES.

For the hostage-sureties which are taken are secure.

That is, the safety of the hostage-sureties, i.e. the 'fesi'-cows of the hostage sureties, thirty in number, and seven 'cumhals' are *paid* for the delay in pound, and double of the debt *is required* of the defendant, i.e. the indemnity of the hostage-surety is honor-price and double what he has to pay the plaintiff.

For he deserves a cow every night.

That is, the 'fesi'-cows of the hostage-sureties, thirty in number, and seven 'cumhals' are *due* for the delay in pound, and double *of the* debt *is due* of the defendant. The debtor incurs the liability of a 'samhaisc'-heifer every night till the expiration of three nights, so that it amounts to a large cow in the morning; and the hostage-surety incurs the liability of a 'colpach-trin'-heifer every night till the expiration of twenty-seven nights, so that it is an in-calf cow in the morning, so that it amounts to twenty-seven in-calf cows over and above eighteen cows after calving, and the three cows that increase with them for the three last nights, so that twenty-one cows thus accumulate for the hostage-surety in thirty days.

Half the full '*eric'-fine* of the hostage-surety *is* to fall upon all.

That is, body 'eric'-fine is claimed for the hostage-surety from the person who neglects to respond, i.e. to the plaintiff who takes the hostage-surety unlawfully; it is otherwise from every one who gives his security, i.e. it is urged that the full 'eric'-fine of the hostage-surety falls upon the person who gave him for neglect, or for paying full 'eric'-fine for him, i.e. the chief gave him, and the territory to which the hostage-surety belongs is bound to respond *each day* to the end of thirty days.

If he then responds, his tribe shall pay the seven 'cumhals,' which shall be divided between the chief and the hostage-surety, i.e. two-thirds to the chief and one-third to the hostage-surety; or it is divided into two *equal parts between them.* If the tribe do not respond to the hostage-surety at the end of the thirty days, he *the hostage-surety*) shall pay two-thirds of the seven 'cumhals,' *or*

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Hostage-sureties.

let ann sin fris in rig, ocus icait in cinne ima tusgabtus, ocus ictus frisium dublad dono do thenuib no don let, ocus dublad dono do ic fris do chinuid so ic, ocus log neneć do o sine.

Tet for da lech lan eruic.

.i. for sine sis nacsu cin taisesin cisit dia cine. Ma so fogsustus biobuid for giall in fechemun toicheda na so gabad gella na aisge o giall in biobuid, ocus ni tasga giall in fechemun toicheda gella na aisge uaid sen, coisrdise on biobuid da giall sén, ocus coisrdise on fechemuin toicheda do giall in biobuid, ocus coisrdisi on fechemuin da giall sén.

Ma tasga giall in fechemun toicheda gella ocus aisge uaid sén don biobuid, ocus nis gabad uad act a tocbail tairis, coisrdise on fechemuin toicheda da giall sén, ocus coisrdise uad do giall in biobuid. Coisrdise dono on biobuid do giall in fechemun toicheda ocus coisrdise uad da giall sén. Conid e sin tét for da let lan eruic. No dono, cumad slan co trian don biobuid, ar ni gaib in fechtum toicheda giall no aisge o giall in biobuid seime. Slan co trian don biobuid i let se giall in fechemun toicheda, ocus ini is erbadach on ngiall dic ón fechemuin toicheda se giall sén.

Focra fri arail.

.i. usfocru fri arail se giall in fechemun toicheda na daim cert. Comuisle tuc in tugoud ann sin don biobuid, mane

[1] *The author here.* This commentary is very obscure in consequence of the want of the full text, which it is intended to explain. The following passage, in C. 1187-1188, may throw some light upon it:—

C. 2185. Detbir ngellta ocus inannud smacta uil siu no co roiset tec in bretemun, ocus co ngabat do laim [tacsadh] for [conair suigill] aisithe. Ocus o so roiset tech in bretemun ocus o gebaid do laim tasga for conair suigill aisigte, ar inannud smacta ocus ar inandud ngellta. Are in tinannud smacta in bo a neimaithne na conaire. Ise in tinannud gellta in leit gilli, sil.

Cid is nargaire ann. Isse is nargaire ann, .i. duine teit a nargairecht, ocus a sathigud, ocus a nitisiud etir a sene budein tall ocus dar a cend amach.

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the full half, to the king, and the tribe for whom he was accepted *as a hostage* shall pay *the remainder*, and there shall then be paid to him double the *two*-thirds or the one-half, and he shall also be paid double whatever fine be paid, and also honor-price by his tribe. HOSTAGE-SURETIES.

Full 'eric'-fine goes on both sides.

That is, upon the tribe of the man who sues, his tribe not offering justice. If the defendant gave notice to the hostage-surety of the plaintiff that neither pledges nor sureties were accepted from the hostage-surety of the defendant, and the hostage-surety of the plaintiff did not offer to give pledges or sureties himself, body-fine *is due* from the defendant to his own hostage-surety, and body-fine *is due* from the plaintiff to the hostage-surety of the defendant, and body-fine *is due* from the plaintiff to his own hostage-surety.

If the hostage-surety of the plaintiff had offered to give pledges and sureties himself to the defendant, and that they were not received from him, but that it (*the distress*) was taken notwithstanding, body-fine *is due* from the plaintiff to his own hostage-surety, and body-fine *is due* from him *also* to the hostage-surety of the defendant. Body-fine *is* likewise *due* from the defendant to the hostage-surety of the plaintiff, and body-fine to his own hostage-surety. So that thus full 'eric'-fine is incurred on both sides. Or, indeed, *according to others*, the defendant is safe as far as one-third, because the plaintiff had not previously accepted of either pledge or security from the hostage-surety of the defendant. The defendant is secure as far as one-third with respect to the hostage-surety of the plaintiff, and what is deficient to the hostage-surety is to be paid to him (*the said hostage-surety*) by the plaintiff.

Notice by another.

That is, notice by another to the hostage-surety of the plaintiff that justice had not been ceded. The author here[1] advises the defendant, if pledges or securities have not been accepted from him

"They have a difference of pledge and an equality of 'smacht'-fine until they arrive at the house of the Brehon, and until they undertake to proceed according to a certain mode of judgment. When they have arrived at the house of the Brehon, and have undertaken to sue after a certain mode of judgment, they have equality of 'smacht'-fine and equality of pledge. The equality of 'smacht'-fine is a cow for non-observance of the mode of proceeding. The equality of pledge is the half-pledge, &c.

"What is a 'nasgaire'? 'Nasgaire' is the person who goes as a compact-maker, and as a security, and as a hostage between his own tribe within and for them out, &c."

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Hostage-sureties.

gabtha gella na airge uad tar cenn a gell budén, giall in fechemun toicheda do tocbail no con damta dligeth do; ocus a flainti do co trian, amuil cach foguil anaigid fogluid; ocus da trian coirpthire uad i ngiall in fechemun toicheda, ocus coirpthire on fechemuin toicheda i ngiall in bidbuid, ocus in trian coirpthi ir erbadach o giall buden tic fair.

Colunn eruic ocus log nenech ocus dilri in cinuig acaltar for fine in gell, no cutruma in fech acaltar ann. Maine pe in cin ann, leth na colunn érce ocus trian meic acultar ann do rí, ocus trian in fech don fir for a nagaltur, muna tungabthur giall fria araile. Dia tungabthur imurro giall fria araile, ada nindligedh agaid nagaid, cinmota in fiach acaltar for in giall. Tuirim a fainnirne a trí, .i. a trian don fir agarta ocus trian do giall, ocus trian do rí. Dia nelo fine ocus ni gaibh fechium toicheda gell in cinuid o giall, acht a tungabail nindligid, icuid cechtar de a lan fiach fri giall.

Dleagar doib fiach fo ni do nimed; mad indligedh do fara, frecht dian do frecarta frecht forruir iudib in comallat gealluibh.

Dleagar doib, .i. dlegar doib fiach fo ni agaltar air; ocus agra bidbuid do fugne air ann sin, .i. no go cinoiledh ann air do fer digdedach ir ann ata sin. Mad indligedh, .i. uair ir ann ata eric agra bidbuid do neoch inimbuid targad dligedh, .i. mad indligi indfaigther air do fer digdedach ir ann ata sin. Do frecarta, .i. no ma tungartur iat tar gelluib ocus tar airgid, ir ann fechir in coirpthire, .i. mada frecru in giall in fechium toicheda co comimluad gell do tairmsin ir na hib ada sin ir ann ata sin, uair ir ann ata eric agra bidbuid do neoch i nimbuid targad dligedh, .i. dia frecruither do fer digdedach in forruir in fiach acrur, ocus a cutruma lair cin co dlegta do duine.

In ti imurro agrar o bur do fen agrar ata fiach fon do nimedh air. Munub do fen agrar, acht do neoch eile nocha

[1] *Hostage-surety.* C. 826 has the following version:—Sluindter beo nuag, .i. forr an fechemain gaibes in giall etedta ocus do gni cimbid de.

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for his own pledge, to take the hostage-surety[1] of the plaintiff until what is lawful is given him; and he is secure as far as one-third, as in the case of every trespass against a trespasser; and two-thirds of body-fine *are due* from him for the hostage-surety of the plaintiff, and body-fine *is due* of the plaintiff for the hostage-surety of the defendant, and the third of body-fine which is deficient from his own hostage-surety is to be paid to him. HOSTAGE-SURETIES.

Body-'eric'-fine and honor-price and forfeiture of the charge which is brought *are imposed* upon the tribe of the hostage-surety, or an equivalent of the debt which is sued. If the offence do not exist, half the body-'eric'-fine and one-third of what is sued is due to the king, and one-third of the debt to the man from whom it is sued, unless a hostage-surety is taken by the other. If, however, a hostage-surety is taken by the other, there are two illegalities face to face, besides the debt which is sued from the hostage-surety. It is to be divided in the first place, into three parts, i.e. one-third *to be given* to the man who sues, and one-third to the hostage-surety, and one-third to the king. If the tribe should abscond and the plaintiff has not accepted of the pledge for the debt from the hostage-surety, but took him illegally, both shall pay his full debt to the hostage-surety.

Debt is due to them according to the thing that is lost; if they are sued unjustly, severity of law shall respond to the law of the 'forus'-pound when they keep pledges.

Is due to them, i.e. debt is due to them according to the thing which is sought of him (*the debtor*); and it is the inimical suing that was made on him in that case, i.e. this is the case in which it (*the distress*) was levied upon him according to just rule. If unjustly, i.e. for it is when law has been offered that one gives 'eric'-fine for inimical suing, i.e. if he is unjustly sued according to the right rule. Shall respond, i.e. or if they are distrained notwithstanding the tender of pledges and sureties, then body-fine shall lie, i.e. this holds good if the hostage-surety has responded to the plaintiff and offered pledges in these cases, for 'eric'-fine lies for inimical suing when he has offered *the plaintiff* law, i.e. if it be offered according to the right rule of the 'forus'-pound to pay the debt which is demanded, and that he has the amount of it, although it is not due to the person.

When the person who sues sues for himself, a liability lies against him according to the injury he has done. If it be not for

[1] "Perfect malice is ascribed, i.e. to the creditor who accepted the illegal hostage-surety, and who makes a victim of him."

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HOSTAGE-SURETIES.

nsuil fiach foni do nimat ain, ocus atait cuic feoit ocus eneclann fan aghru borbhlachais, ocus is ann atá eric aghru biobuid do inmbuid targhuig dligeid. Mas aghra biobuid do do fhighi in fechtum toicheda an in mbiobuid, is fed is aghra borbhlachais do, uet as aghru fiach ain, ocus cinnte aige na dlecht ni de, is cuic feoit uad ocus eneclunn ocus fiach foni do nimet. Ma fo bi a tuicsi cus dligh, is cuic feoit uad ocus fiach foni do nimet, ocus nocha nuil eneclunn.

Ma fo bu cinnti leis fen co ndligenn inni fo acuis, is cuic feoit uad i thrascud tar dligeid.

Masa achtu borbhluchuis do fhighe in fechtum toicheda an in threbuithi, ocus isfed achta borbhluchuis do achtu a threbuithecta ain ocus a cinnti aice na dechaid re laimh, is cuic feoit uad ocus eineclunn ocus fiach foni do nimett.

Mad fo bi a tuicsi co froibi, is cuic feoit uad ocus fiach fon ni do nimett, ocus ni uil eneclunn.

Mad fo bu cinnti leis go froibi, is cuic feoit uad i thrascud tar dligeid.

Más achta borbhluchuis do fhighe in threbuithe an in mbiobuid, ocus isfed is achta borbhluchuis ann borbhluchuis achta threbuithecta ain ocus cinnti aice na dechaid ain, is cuic feoit uad, ocus eneclunn ocus fiach foni do nimett. Ma fo bi a tuicsi gus dligh, is cuic feoit uad, ocus ni fil eneclunn na fiach fo ni do nimed. Ma fo bu cinnti leis co froibi ain, is cuic feoit uad i thrascud tar dligeid. Tascus dligeid do in cach inad dib sin; uair muna tairgter, frobo a da nindligedh adhaigh in adhaigh.

Mad ghiall no muiri, srl., aramam miscul do miditer miscuid.

.i. is i moam meisemnicher eisic isin miscuid on ti lais na

[1] *The hostage-surety or 'muiri.'* C. 826 has; Cinaid fon naile, .i. fiach fon ni domboing dib in ghiall, no muiri la dilmain dind achta connagar cuice.

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himself he sues, but for another, the liability does not lie against him according to the injury he has done, but he is fined five 'seds' and honor-price for unjust suing, and 'eric'-fine for inimical suing is *imposed* upon him when law has been offered. If the plaintiff has been guilty of inimical suing against the defendant, it is the same as unjust suing to him, *i.e.* to be suing him (*the defendant*) for debts, when he is certain that nothing is due of him, he (*the plaintiff*) shall pay five 'seds,' and honor-price, and compensation according to the injury done. If he understood that he was entitled *to sue*, he shall pay five 'seds' and compensation according to the injury done, but not honor-price. HOSTAGE-SURETIES.

If he felt certain that he is entitled to that for which he sues, he shall be fined five 'seds' if he fasts, after the tender of what is lawful to him.

If the plaintiff has brought an unjust suit against the surety, and it is a suit of injustice in him to sue him for his suretyship when he is certain that he had not gone security, he (*the plaintiff*) shall be fined five 'seds,' and *shall pay* honor-price and compensation according to the injury done.

If he understood that he had *gone security*, he shall pay five 'seds' and compensation according to the injury done, but not honor-price.

If he was certain that he had *gone security*, he shall pay five 'seds' for fasting after the tender to him of what is lawful.

If it was an unjust suit that the surety brought against the defendant (unjust suit means to sue him for suretyship, he being certain that he had not gone security), he shall pay five 'seds' and honor-price and compensation according to the injury done. If he understood that it was due, he shall pay five 'seds,' but not honor-price or compensation according to the injury done. If he was certain that it was due of him (*the surety*), he shall pay five 'seds' for fasting after the tender of what is lawful to him. What was lawful was tendered in every instance of these; for, if it were not tendered, there would be two illegalities face to face.

If it be a hostage-surety or 'muiri'-chief,[1] &c. From his bad word is estimated his bad quality.

That is, 'eric'-fine is mostly regulated according to bad quality

"Debt according to the desert, i.e. debt according to case, the hostage-surety recovers them; or from the chief, with liberation from the demands made upon him."

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Hostage-sureties.

hugu togaidi in drioch focuil; no in tí am ir moam ac a mesemnuithes coi no claoine ir aicridi ir mo mesemnuithes na drichfolaid.

Ma do chuaitt fechium toicheda do acru bidbuid, ocus ro leic bidbuid eloid, cuic feoit ocus eneclann do o bidbuid ocus diablaid fiach. Do cuaidh dinnsuidi geill iartain, ocus do rat re ninnsaidte do giall, co ndechuid giall dacra bidbuid, gus ro leic bidbuid eloid in geill, cuic feoit ocus eneclann don giall.

Ma táinicc fechium toicheda do acra geill iar sin, coirpdirle comloigthi do fet fris a comdeoin. Cémad áil do fechemuin toicheda in togbuil comloigthi, munus ail do giall, ni dingnestus; act tocbail marbthu. Cemad ail donо do giall in tocbail comloigthi, munus ail do fechemuin toicheda, ni dingnestus act togbail marbthu; cuid a coimdeoin din do gnithus in togbail comloigthe, ocus ir amluid fetus in coirpdirli comloigthe; colpuch ocht sgreapull gellus cach noidce cu ceann fecht noidce fichut, cuid bó innlaega ar maidin, cunu fecht mba fichut innlaega sin ar ocht mbuaid déc trealaega.

Samuigs geallus gach noidce donu tri hoidcib degnuchuib, cunu tri ba mora iar maidin, na tri ba fer na hocht mbuaid déc, cuid bo ar fichit. A leth sin don giall, ocus a let don fechemuin toicheda, ocus trian o cechtus de dibrium. Do neoch nuc fechium toicheda o giall a diabluid do ic o bidbuid frus; do neoc imurro tarrustus ina laim fein ocus ga flaith, act aithgin dic frus on bidbuid. In coirpdirle comloigthe sin. In coirpdirle marbtha imurro, muna thargaid in bidbuid gealla ocus airge tar ceann in gell, coirpdirle ocus einecluinn uad ina giall fein, ocus cach aen do gebha coirpdirli sirinu ir na gialluib feo biaid lan eneclann re taeb.

Ma targuid giall in bidbuid gealla ocus airge uaid fein do fechemuin toicheda, ocus nir gab uad, coirpdirle on bidbuid da giall fein, ocus coirpdirle on fechemuin toicheda do giall in bidbuid.

[1] *After calving.* If the value of twelve 'screpalls' be put on the cows after calving, then eighteen of them=twenty-seven 'colpach'-heifers worth eight 'screpalls' each.

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from the person who has chosen the bad word; or the person who is considered to have most vice or bias is considered to have the greatest amount of bad quality. HOSTAGE-SURETIES.

If the plaintiff went to sue a defendant, and that the defendant absconded, five 'seds' and honor-price and double compensation are due to him (*the plaintiff*) from the defendant. He afterwards went to sue the hostage-surety, and gave the hostage-surety time to seek *the defendant*, and the hostage-surety went to sue the defendant, and the defendant absconded from him, five 'seds' and honor-price are due to the hostage-surety.

If the plaintiff came after this to sue the hostage-surety, body-fine of equal forgiveness of debt shall take place by consent of both. If the plaintiff should like to accept the equal forgiveness of debt, and that the hostage-surety would not, it shall not be done; but death-seizure *shall take place*. If the hostage-surety should like to accept of equal forgiveness of debt, and that the plaintiff would not, it shall not be done, but death-seizure *shall take place;* so that the acceptance of equal forgiveness of debt is made by mutual consent, and the way the body-fine of equal forgiveness of debt accumulates is this: he (*the debtor*) becomes liable for a 'colpach'-heifer worth eight 'screpalls' every night to the end of twenty-seven nights, so that it is an in-calf cow in the morning, which makes twenty-seven in-calf cows with eighteen cows after calving.[1]

He becomes liable for a 'samhaisc'-heifer every night of the three last nights, so that they are three large cows in the morning, or three cows with the eighteen cows, making twenty-one cows. The half of these *are due* to the hostage-surety, and the half to the plaintiff, and a third from each of these. Of what the plaintiff took from the hostage-surety the double shall be paid by the defendant to him; but of what he retains in his own possession and with his chief, only restitution is made to him by the defendant. This is the body-fine of equal forgiveness of debts. But in the body-fine for death, unless the defendant has offered pledges and securities for the hostage-surety, body-fine and honor-price shall be due from him for his own hostage-surety, and every one who receives body-fine down here for these hostage-sureties shall have full honor-price besides.

If the hostage-surety of the defendant had offered pledges and securities from himself to the plaintiff, and he (*the plaintiff*) did not accept of them from him, body-fine is due from the defendant to his own hostage-surety, and body-fine *is due* from the plaintiff to the hostage-surety of the defendant.

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FOSTER-AGE.

Cain iarraith.

.i. rath do berar lair iar na breith, .i. iarumrath iar mbreith in linim for altruma; no ir rat tet iarum; no riagail in ratha iarum do berar in altrum.

Cia lin altrum ril la fine? Nín. A do, .i. altrum ar airiur ocus ar iarriuth; ite ann fo di altruma ima fuaithter oilceanu, ni himfuichter.

Caitiat i nedga? Nín. Etir a lom ocus i nua ar na aicther a cner, do dilluit lair; alunae cach dia araile inairicill. Fo miad caich, eitir a mic, o ta fear miudbu co rig. Etiud laechniud ocus buidi ocus dub ocus find do macaib aithiuch; ediud dearg ocus glas ocus donn do macaib airiuch; ediud corcriud ocus gorm do macaib rig.

Gné eile.

Nochu nindirium leabar decbir in edaig, no dono co mbet decbir na nédaige itir. Sroll ocus fcarloit do mac rig erind, ocus airget ar a faignib, ocus crieduma aru cumanuib, ocus froan ar a faignigib o fin amach, ocus uma ar a cumanuib; no cumu cutruma do bet ir na nechi fin uile do mac cach rig dib, uair ir cutruma an iarraith do rer dligid, ocus a deir dligeb, altruma cach mic amuil ber iarraith. Ocus na nechi indirar leabar do bet na fiadnuisi gur ub gairdi leo. Ocus delge oir, ocus glann do bith inde, ac macaib rig erind, ocus rig cuicid, ocus delge airgit do macaib rig tuaithe ocus mor

[1] *Payment.* In margin of MS. iarrat altrom, 'price of fosterage' is inserted.

[2] *Sons of kings.* In O'D. 2288, the reading is—Etad daib ocus fadaide ocus odur ocus laechna do macaib na ngrad feine, itir a lom ocus a nua do macaib na n-occ-airecch, ocus a nua do macaib no mbo-airecch. Black and yellow and pale and blay-coloured clothes for the sons of the Feini

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THE 'CAIN' LAW OF FOSTERAGE.

FOSTERAGE.

THE 'Cain'-law of fosterage payment.[1]

Fosterage payment, i.e. a payment which is given with him after his being taken away *to be fostered*, i.e. after-payment when the child is brought to be fostered; or it is the payment which is given afterwards; or it is the rule of the payment which is afterwards given for fosterage.

How many kinds of fosterage are there with the Feini? Answer. Two, viz., fosterage for affection and for payment; these are the two fosterages which are disputed about generally, *and* which are not annulled.

What are the clothes? Answer. In worn clothes[a] and new ones he is to have two coverlets, that his person may not be seen; which should be washed every day successively: *one to be used while the other is being washed.* According to the rank of each man, from the humblest man to the king, is the clothing of his son. Blay-coloured, and yellow, and black, and white clothes are *to be worn* by the sons of inferior grades; red, and green, and brown clothes by the sons of chieftains; purple and blue clothes by the sons of kings.[2]

[a] Ir. *Bare.*

Another version.

No book mentions a difference of raiment, or that there should be any difference in their clothes at all. *But the custom now is as follows:*—Satin and scarlet are for the son of the king of Erin, and silver on his scabbards, and brass *rings* upon his hurling sticks, and tin upon the scabbards *of the sons of chieftains* of lower rank,[b] and brass *rings* upon their hurling-sticks; or there is equality in all these things for the son of every king, *of what degree soever*, for the price of fosterage[3] is equal according to law, which says, "The fosterage of every son is according to his price of fosterage." And they should have before them the things which the book mentions that they may be amused. And brooches of gold, having crystal *inserted* in them, with the sons of the king of Erin, and of the king of a province, and brooches of silver with the sons of

[b] Ir. *From that out.*

grade; both threadbare and new for the sons of the 'oc-aire' chiefs, and new for the sons of 'bo-aire' chiefs.

[3] *Price of fosterage.* 'Iarrath' is explained by Duald MacFirbis as tuaċ oiḃeamna, i.e. the price of fosterage.

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Fosterage. tuaithe; no comainnd dealg do mac cach rig, ocus aineach rin aile irin dealg rin.

Etuch dub ocus fobaide ocus liath ocus laechnu do macaib na nGrad fene; ocus a lom do macaib no nocuirriuch, ocus inna do macaib na mbairriuch. Mac in airriuch dera imurro, dath fo let a edaig cach lae, .i. forru brut no forru inur, ocus da etuch dathu aime dia domnaig; ocus itir a lom ocus inna do.

Mac in airriuch tuir imurro, dath for edaige aile; ocus da étuch dathu aime cach lae, itir a lom ocus a nua, ocus da edach dathu nuaid aime dia domnaig. Edach dathu cach lae aice, edach domnaig ocus etuch follumuin, act ir ferr cach étuch araile dib.

Mac in airriuch aird imurro, da etuch data nua cach lae imeraide, ocus da etuch dathu nuaid dia domnaig ocus i follumuin, act ir ferr cach etuch araile.

Mac in da airi forgill ir tairi ric.

Mac na nairriuch forgill ir ferr, ocus mac na rig, etuch dathu nuaid doibraide in cach aimsir, act ir fearr araile dib, ocus or ocus airget forruib aile.

Caitiat a mbiadu? Lite doib aile; acht ni cormail tuma tet inde, .i. gruitin do macaibh aithiuch, im ur do macaib airriuch, mil do macaib rig. Inund a mbiathu aile co cand mbliadna no tri mbliadain, .i. gruitin, im nuad iarruidiu, .i. do macaib airriuch, mil do macaib rig. Lite blaithige no uirce do macaib

[1] *Ornamentation.* Dr. O'Donovan observes that this brooch was carved or ornamented according to the rank of each king, but the ornaments which distinguished these brooches from each other are now unknown. The brooch above referred to was not given as a toy to the child, but worn by the nurse that the babe might be amused by looking at it, and thus was he brought into early acquaintance with the badge of his father's rank and dignity. None of these brooches hitherto discovered seem to exhibit anything like armorial bearings or heraldic charges of any description. It is probable that the brooches of the different ranks were distinguished by the nature of the inlaying or the variety of the carving.

[2] *Better than the other.* Each exceeding the other in quality according to the order in which they have enumerated them.

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the king of a territory, or a great territory; or the son of each king is to have a similar brooch, *as to material;* but that the ornamentation[1] of all these should appear in that brooch. FOSTERAGE.

Black, and yellowish, and gray, and blay clothes *are to be worn by* the sons of the Feini grades; and old clothes by the sons of the 'ogaire' chiefs, and new by the sons of the 'bo-aire' chiefs. The son of the 'aire-desa' chief wears clothes of a different colour every day, i.e. his cloak or his tunic *is to be of a different colour every day*, and he is to wear clothes of two different colours on Sunday; and he is to have both old clothes and new clothes.

The son of the 'aire-tuisi'-chief is to have all his clothes coloured; and is to wear clothes of two colours every day, both old and new, and to wear new clothes of two colours every Sunday. He is to have coloured clothes every day—clothes for Sunday and clothes for the festival, but each of them better than the other.[2]

The son of the 'aire-ard'-chief is to wear new clothes of two colours every day, and new clothes of two colours on Sunday and the festival day, but each of these clothes better than the other.[2]

The sons of the two inferior 'aire-forgill'-chiefs, the same *as the last mentioned.*

The sons of the superior 'aire-forgill'-chiefs, and the sons of the kings, are to have new coloured clothes at all times, but exceeding each other in quality (*the Sunday clothes better than the week-day clothes, and those for the festival better than those for Sunday, as already specified*), and all embroidered[a] with gold and silver.

What are their victuals? Stirabout[3] is given to them all; but the flavouring[b] which goes into it is different, i.e. salt butter[4] for the sons of the inferior grades, fresh butter for the sons of chieftains, honey for the sons of kings The food of them all is alike, until the end of a year, or three years, viz., salt butter, and afterwards fresh butter, i.e. to the sons of chieftains, and honey to the sons of kings. Stirabout made *of oatmeal* on buttermilk or water *is given* to the

[a] Ir. *And gold and silver upon them all.*

[b] Ir. *Dip.*

[3] *Stirabout.* 'Lite' or 'Leite' is still the word used to signify stirabout, which was the principal food of the Irish till the introduction of the potato, and, more recently, Indian meal.

[4] *Salt butter.* 'Gruitin' is also written gruiden. It is thus explained in C. 107, gruiden, .i. goirtgen, .i. gean ocus goirt hi, i.e. 'Gruiden,' i.e. goirtsen, i.e. it is old and salt. It is also similarly explained in Cormac's Glossary, in which it is supposed to be derived from the Latin *grasso cibo.*

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Fosterage. na ngrad fesine, ocus a feang fait doib di, ocus gruidin dia tuma. Lite lemnucta do macuib na ngrad flatha, ocus im ur dia tumad, ocus a tennfait dóib di; ocus min eorna furfru. Lite lemnacta do macuib na rig ocus min cruitnecta furfru, ocus mil dia tumu.

Altrum cen ainmi, ar dligedh cacha altrum a diainme, acht ainimtuidhe dia fearuib ——

Altrum, .i. oiltoiroigu em. Nach ainm frisfailitair do altrum dligh aice amuil bi do lainn fo fearadh.

Caite iarfait mic cáich ocus a ingine? Tri samuisce do macuib na nocairiuch a coitcine; ceithri samuisce iarfuigh a ningine. Inund o tha fer midbuid cu ruige bo ere. Teora do na bo eirib a coitchine; ceithre bai do eiruchuib dera; fé bai
Sic. do airuchuib ; noi mbai do airuchuib ardda; di bai déc do airiuchuib foirgill i coitcinde; ocht mbai déc do riguib i coitcinne.

Sét forfridhe iarfait a ingine, ar it lia a tarcuir oldait a cele.

Iarfuid mic ogaire tri feoit; ceithri feoit iarfuidh a ingine.

.i. do gach ogaire innso ocus do gach fiur midbuid, daig na dernuit in taltrum fri ni ir lubu, .i. inus fearr, .i. einuclann

1 *Flavouring.* Dr. O'Donovan observes that the preceding account of the food of the children is irregularly written, and even defective, and that it could be stated better as follows, without deviating from the intention of the original writer—

"What are their victuals? They are all fed on stirabout; but the materials of which it is made and the flavouring taken with it vary according to the rank of the parents of the children. The children of the inferior grades are fed to bare sufficiency on stirabout made of oatmeal on buttermilk or water, and it is taken with stale butter. The sons of the chieftain grades are fed to satiety on stirabout made of

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sons of the Feini grades, and a bare sufficiency of it merely, and salt butter for flavouring. Stirabout made on new milk *is given* to the sons of the chieftain grades, and fresh butter for flavouring, and a full sufficiency of it *is given* them; and barley meal upon it (*i.e. is put on new milk to make it*). Stirabout made on new milk *is given* to the sons of kings, and wheaten meal upon it, and honey for flavouring.[1] FOSTERAGE.

Fosterage *should be* without blemish, for every one is entitled to fosterage without blemish, except the blemish *which is inflicted* by ——[2]

Fosterage[3] ('altrum'), i.e. great ('oll'), and nourishing ('torroigu'). Every blemish which is inflicted during fosterage is entitled to 'eric'-fine, as if it were inflicted by the hand.

What is the price of fosterage of the son and of the daughter of each person? Three 'samhaisc'-heifers, for the sons of the 'og-aire'-chiefs in general; four 'samhaisc'-heifers is the price of fosterage of their daughters. The fosterage price is equal *for all ranks*, from the humblest man to the 'bo-aire'-chief. Three *cows* are given by the 'bo-aire'-chiefs, in general; four cows by the 'aire-desa'-chiefs; six cows by the 'aire-*echta*'-chiefs; nine cows by the 'aire-ard'-chiefs; twelve cows by the 'aire-forgill'-chiefs in general; eighteen cows by kings in general.

A 'sed' in addition to these is the price of fosterage *paid by a father for* his daughter, because the household arrangements for her accommodation are more extensive than for the others (*the sons*).

The price of fosterage of the son of an 'Og-aire' chief is three 'seds;' four 'seds' is the price of fosterage of his daughter.

That is, this is *the rule* for every 'og-aire'-chief, and for every man of the humblest grades, in order that they may not perform the fosterage for less, i.e. or for more, i.e. the honor-price of the secondary

barley meal upon new milk, taken with fresh butter. The sons of kings are fed on stirabout made of wheaten meal upon new milk, taken with honey.

"Some, however, assert that children of all ranks get the same kind of food till they reach the end of the first year, or of the third year, but the general custom is as we have written."

[2] *By* ——. The text is defective here.

[3] *Fosterage.* In C. 82 it is derived from the Latin *alo*, to nourish. altrum, ab eo quod est *alo*, i.e., from the verb *alo*, I nourish.

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FOSTERAGE.

in grait is tanuisi la mac in grait is fearr, .i. ised is log einech, .i. dartaid ocus dairt ocus colpach, .i. teora ramuisce o na teora hogairiuchaib, ocus o na teora fearaib midbaid, ocus on aire ecta bec ar altrum doib; no fairi do berar feoit uraim ar altrum na hingine, uair nach meisiuch comuirce na gaire a haide iartain, ocus isa inna a haltrum, ar a failce; no is mera a lamaide, ocus is luga failter fochur do fadbail uaithe; no dono is luga failtiur leraisiuchtain aiti do dénum di iar naois diailtri.

Ingaire uan ocus laeg ocus meann ocus oic, ocus tiriud, ocus ciriud, ocus cinniud, do munud doib; bro, ocus lort, ocus criathrud dia n-ingeanaib.

Munu muintiur na neche sin doib, da trian na hiarata ar fmacht ann don aithir. No cin cu muintur, cu na bet fmacht ann, uair ni hecin munud dairithe orrud sin.

Iarrtaid mic bo eirech cuic feoit.

.i. do berar le mac gach bo eiriuch doib, .i. do gach bo eirig ann so; no dono, is dona bo eiruchaib ar a bi bo eruchu, ocus eniuclann in bo eriuch is taire do na bo eiruchaib meodounchaib, ocus einuclann in ogaire is fearr don bo eirig is meara, .i. cúic feoit da tegaid teora ba, .i. bo eire ar a bi bo eire, ocus aire etir da eirig, ocus caithe cruiche, ocus aire echta is deach,

[1] *Finished.* In c. 826, it is stated that seventeen years was the term of the fosterage of the son, and fourteen years that of the daughter.

[2] *To their daughters.* There is a condensed version of this article in O'D. 2238, in which this passage is briefly but clearly given as follows:—"The quern and the kneading trough, and the herding of lambs and kids, are to be taught to their daughters. Kiln-drying and wood-cutting are to be taught to their sons. If these be not taught there is a fine of two-thirds of the price of fosterage for it. But

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grade *is given* with the son of the best grade, i.e. his honor-price, i.e. a 'dartaidh'-heifer, and a 'dairt'-heifer, and a 'colpach'-heifer, i.e. three 'samhaisc'-heifers, *are given* by the three 'og-aire'-chiefs, and by the three lowest grades, and by the inferior 'aire-echta'-chiefs for fosterage *done* for them; or it is for this reason that the additional 'sed' is given for the fosterage of the daughter, because she is not able to protect or maintain her foster father afterwards, and it is more difficult to nurse her *than the boy*, on account of the arrangements for her accommodation; or her labour is of less value, and there is less profit to be derived from her services; or indeed it is less expected that she will be able to support her foster father after she has attained the age at which her fosterage is finished.[1] FOSTERAGE.

The herding of lambs and calves and kids and young pigs, and kiln-drying, and combing, and wood-cutting, are to be taught to them (*the boys*); the *use of the* quern, and the kneading trough, and the use of the sieve to their daughters.[2]

If these things be not taught them, there is a fine of two-thirds of the price of fosterage *to be paid* to the father, *on account of the negligence of the foster father.* Or even though these things be not taught them, there is no fine for it, for no particular teaching of them *is prescribed by the law* as compulsory.

The price of fosterage of the son of a 'bo-aire'-chief is five 'seds.'

That is, *five 'seds'* are given with the son of each 'bo-aire'-chief to them (*the foster fathers*), i.e. by each 'bo-aire'-chief; or else it is *the honour-price due* to the 'bo-aire'-chiefs for their chieftainship, and the honor-price of the lowest 'bo-aire'-chief is due *as the price of fosterage* for the middle 'bo-aire'-chiefs, and the honor-price of the best 'og-aire'-chief *is due as the price of fosterage* for the lowest 'bo-aire'-chief, i.e. five 'seds,' which amount to three cows, i.e. the 'bo-aire'-chieftains of the highest rank, and those of the lowest, and the 'aire-etir-da-aire'-chief, and the 'caithe-cricha'-chief, and the 'aire-echta'-chiefs of the highest rank, and the 'cano'-poet,

some say that there is no 'eric'-fine whatever for *not* teaching them, *or any of the inferior classes*, these things." The case is otherwise respecting the upper classes, from the 'aire-desa'-chief up to the king. *Vide* p. 157 *infra*.

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Foster-age. ocus canu, ocus dos o gradaib filed, is cutrumu i n-airrdid fri cert do erig.

Airrdid mic airech, airech tuire, gil. Incorc do ealathun g [nadaca].

Airrdid mic airech, .i. da tecuit fé ba. Incorc, .i. incoiscithur do marcuigecht, ocus brannuigecht, ocus diubrugud, ocus fichillucht, ocus gnam. Uaim, ocus cumu, ocus druimuchur, dia ningeanuib.

Ocus da nearbut aire na gnima so, cia fuil fors in aite inn? In mear do dena comuigduch etarrud, no fer da muinntir ocus fear a comgraid, ired icus in taite inn frus in dalta. No gnam ocus marcuigecht ocus fideallacht do munud do, ocus muna muintur, a focluit comuigthuig eatarra, ocus mac dia muinntiur on aite don daltu.

Airrdid mic rig truchu fet. Eachuid i naimsir imrime.

.i. log eniuc in grad biur ruime ire airrdid do berur la mac in grad biur ina diaig, o ta bo eire cu rig.

Eachuib i naimsir imrime, .i. each fae i naimsir imrime.

.i. each fui is in re fuchuin a ricfa a lef eirim, .i. o aite o fecht mbliadnuib amach, uair each on athuir fae cu ceann fecht

[1] *'Aire desa'-chief.* He was the first of the classes who had rank from his dignity (descent and pedigree). The "bo-aire"-chief was estimated according to cows and other property.

[2] *Price of fosterage;* that is, the price of honor of the higher grade was the price of fostering the son of the grade immediately below him in the scale of dignity. This was the case among the chiefs of noble grade only. Among the 'bo-aire'-chiefs, and others of inferior grade, it was reversed, that is to say, the price of honor of the inferior chief was the price of fosterage of the son of the higher grade. To make this intelligible, a few examples will here suffice. Seek the honor-price of a king, and it will be the price of fosterage for the son of the 'aire-forgill'-chief.

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and the 'dos'-poet among the grades of the poets, all pay the same price of fosterage which is equal to the proper honor-price of the 'bo-aire' chief. FOSTERAGE.

The price of fosterage of the son of the 'aire-*desa*'[1]-chief, *and* the 'aire tuise'-chief, *is ten 'seds.*' Instruction in the usual sciences is given him.

The price of fosterage of the son of the 'aire-*desa*'-chief, *i.e. ten 'seds,*' i.e. which amount to six cows. Instruction, i.e. he (*the son*) is taught horsemanship, and 'brann'-playing, and shooting, and chess-playing, and swimming. Sewing, and cutting-out, and embroidering, *are taught* to their daughters.

And if these accomplishments are wanting, what *fine* is *imposed* upon the foster father for *his neglect?* The arbitration which an *impartial* neighbour, or a man of his people and a man of equal grade with him *to represent the other party* shall make between them, is what the foster father shall pay to the foster son. Or he (*the son*) is to be taught swimming horsemanship and chess-playing, and, if these are not taught, the award which the neighbours shall pronounce between them *shall be paid by the foster father,* and the foster father shall give a boy of his people to the foster son.

The price of fosterage of the son of a king is thirty 'seds.' *The foster sons shall have* horses in time of races.

That is, the honor-price of the grade *immediately* preceding is the price of fosterage[2] which is given with the son of each succeeding grade, from the 'bo-aire'-chief to the king.

Horses in time of races, i.e. that he (*the foster son*) is to have a horse at the time of races.[3]

That is, a horse to ride at the proper time at which he shall require to ride, i.e. *a horse is to be supplied* by the foster father after *the child has attained the age of* seven years, for a horse must be sup-

Find the honor-price of the 'aire-forgill'-chief, and it will be the price of fosterage of the son of the 'aire-tuise'-chief, and so on in the descending scale down to the 'aire-desa'-chief, the lowest of the noble grades. On the other hand, if you wish to find out the price of fosterage of the sons of the inferior ranks, you will have to begin below and move upwards in the scale of property. If you want to find the price of fosterage of the son of the man of the lowest grade, look for the honor-price of the next grade above him, and so proceed until you come to the 'bo-aire'-chief of the highest grade, where the inferior grades end.

[3] *Time of races.* In the MS. the words 'dá bó,' i.e 'two cows,' are placed over the word 'aimsiur,' 'time,' probably referring to the value of the horse to be supplied.

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Fosterage. mbliadun. Ocus o do berta, ired dlegur don aite in marcuigthi do munad do, ocus muna múinter, da dtrian na hiarrata and ar fmacht. Ocus cid énní dib nach muinter doib, ata da dtrian na hiarrata ar fmacht and don athair; no cuma do uaidéin do bet, uair is frir is fogail; no cumad tachur a foaltur cen dethir.

Ocus muna tucthur in teach, noch co nindligech don aite cin cu muine in marcaideacht, .i. ní dlegur eich dóibh muna tucthar eich leo. Ocus ní dligter fnámh do múnad dóib muna fraithe uirce infnamhad a comrochruibe dia naitib, no dia naitribh.

Mic na rig dia mbuailter iat no dia caintiur, eirica a mbuailte no a cainti dic riu, ocus cutrumur eirce a mbuailti no a cainti don iarrtuid no co ria da dtrian na hiarrata do fmacht, ocus o ro ria nochu teit tairis. Atbeir in lepur eile cutrub inunn mic na righ, ocus na rig, ocus na ngrad flathu, ima mbualud ocus ima cainiud.

Mic na ngrad feini ocus na ngrad flatha, flan a mbualadh ocus a cainiud act narub tubu nainme no lefainm, no cu ria cned for corp. Ocus ired is cned ann o ro ria fuilugad, no cumud ém tinnirruid, ocus o ro ria, is eiric a mbuailti dic riu, ocus cutrumur erice a mbuailti, no in tuba nainme, no in lefanma don iarrtuid no cu ria da trian na hiarrata do fmacht, ocus o ro ria, ni tet tairis. No cin cu be act comurtha ann, is cutrumur erice in comurtha frin don iarrtuid ar fmacht co ria da trian na hiarratu.

Gné eile.

Fidcealladt, ocus brannuidecht, ocus marcuigecht ocus fnam, ocus diubrucad doib; uaim, ocus cumad, ocus druinechur, dia ningeanaib.

Is ann ata in fnam in tan ata uirci infnamuid a fearann a athur, no a fenathur, no aite. Ocus muna dearntur in

plied by his father to the end of seven years. And when he (*the father*) gives the horse, the foster father is bound to teach (*the boy*) horsemanship, and if not taught it, a 'smacht'-fine of two-thirds of the price of fosterage shall *be imposed* for *the neglect*. And if any item of these (*the accomplishments above mentioned*) is not taught to them (*the sons*) there is a 'smacht'-fine of two-thirds of the price of fosterage due to the father; or it is due to *the son* himself, for it is upon him the injury has been *inflicted; or it is the same as* sending him away from his good fosterage without necessity. FOSTERAGE.

And if the horse be not supplied *by the father*, it is not unlawful for the foster father not to teach horsemanship, i.e. it is not required *of the foster father* to give him[a] a horse, unless a horse had been given with him *by the father*. And it is not required to teach him[a] swimming unless there is water fit for swimming in the neighbourhood of the foster father, or of their fathers. [a] Ir. *Them*

If the sons of kings have been struck or libelled, they shall be paid 'eric'-fine for the striking or the libelling, and the amount of the 'eric'-fine or 'smacht'-fine for striking or libelling them shall be two-thirds of the price of fosterage, and when it has reached to this *sum* it does not go beyond it. The other book says that the sons of the kings, and the kings, and the chieftain grades are equal as regards the striking and libelling of them.

As to the sons of the Feini grades, and of the chieftain grades, it is safe to strike them and to libel them, but so as no blemish or nickname has been given, or a wound inflicted on the body. And a wound means *any incision* which causes bleeding, or it is a cut, and, when it comes to that, 'eric'-fine for striking shall be paid to them, and as much *more* as the 'eric'-fine for striking them, or for causing a blemish or *giving* a nickname, *is to be deducted* as 'smacht'-fine from the price of fosterage *until it reaches* two-thirds *of it*, and, when it reaches this *limit*, it does not go beyond it. Or though there should only be a mark *left on the body*, the amount of the 'eric'-fine for that mark *is to be deducted* as 'smacht'-fine from the fosterage-price until it amounts to two-thirds of the fosterage-price.

Another version.

Chess-playing, and 'brann'-playing, and riding, and swimming, and shooting, are *to be taught* to them (*the sons*); sewing, cutting-out, and embroidering to their daughters.

It is when there is water fit for swimming on the land of his father, or his grandfather, or his foster father, that the swimming

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Fosterage. munad uile, no cid en ni dib na muinter, da trian na hiarrata ar fmacht ann don athair, no cumud doib uadén do bet, uair is fiu is foglail; no cumad athcur a foaltair cin decbrisiur. Ocus munu fuil uirci infnámha is flan.

Is ann ata (no dligther)[1] in marcuigecht in tan atá ech on athair fuí co cenn fecht mbliadun, ocus munu múinter, srl. Ocus munu tucthar in tech is flan cin in marcaigecht; ocus munu fuil machuirle a fearann a athar, ce bet a fearann a aide, ni dlegur a núnad; ocus ma tá a fearann a athar, ata da trian na hiarrata do fmacht ann munu muinter.

Mic na ngrad féne; cid do gnither a mbualadóirde no a cained is flan, act na roib comurta no na roib tubu nainni no leranm; ocus mad ed on, is coirdoire na cneide inn, no eric in leranma ocus in tubu nainne; ocus cutrumus na herca fin don iarrud ar fmacht, co fó da trian na hiarrata ar fmacht, ocus ni tét tarrus.

Mo eric in cainte no in buailte ann fin inar da trian na hiarrata, no is cutrumu fair, ocus damad lúga inár, ní tét tar eric in buailte no in cainte.

Mic na ngrad flatha imurro, cid bet cained no bualud do berthar forru, ata eric a cainti no a mbuailte doib, ocus cutruma na herci don iarrud ar fmacht, co fia da trian na iarrata, ocus ni tet tairrs.

Cumdach mic rig, log frecht fri.

.i. do macaib na ngrad ata irliu bit imailli riu do berait ar comaitecht, .i. cumtach a netaig annro in la tiagait ar iar ndiailtri; no ire log a netaig i fo cuige, .i. no cumdach etaig fri aenach, no fri a nathchur iar ndiailtir. Leth uinge no

[1] The words in parenthesis are written over the preceding words in MS.

is to be taught. And if all the instruction is not given, or if one item *of the accomplishments* be omitted, there shall be a fine of two-thirds of the fosterage-price *due* to the father as 'smacht'-fine, or *due* to themselves (*the foster sons*), for it is *really* upon them the injury is *inflicted*, or *it is the same as if* his good fosterage is returned without necessity. And if there be not water fit for swimming in, it is safe *not to teach the swimming.*

The horsemanship is, or is obliged by law, to be taught, when a horse is supplied him by the father to the end of seven years, and if it be not taught, &c. And if the horse be not given *by the father*, it is safe not to *teach* the horsemanship; and unless there is a plain in the lands of the father, even though there should be *one* in the land of the foster father, it is not required to teach it; and if *the plain* be in the land of the father, two-thirds of the fosterage-price are *due* as 'smacht'-fine if it (*the horsemanship*) be not taught.

As to the sons of the Feini grades; though they should be struck or libelled it is safe, provided there be no mark or blemish inflicted or nickname *given;* and if there be, there is body fine for the wound, or 'eric'-fine for the nickname and for the infliction of the blemish; and the amount of this 'eric'-fine *shall be deducted* as 'smacht'-fine from the price of fosterage, until it reaches two-thirds of the price of fosterage for 'smacht'-fine, but it (*the 'smacht'-fine*) goes not beyond it.

The 'eric'-fine for the libelling or for the striking, is in this case greater than two-thirds of the price of fosterage, or it is equal to it, and if it be less than *the two-thirds*, it shall not exceed the *usual* 'eric'-fine for striking or libelling.

As to the sons of the chieftain grades, if injury be inflicted on them by libelling or beating, they have 'eric'-fine for libelling or striking them, the amount of the 'eric'-fine *shall be deducted* from the price of fosterage as 'smacht'-fine, until it reaches two-thirds of the price of fosterage, and it does not exceed this.

As to the decoration of the son of a king, worth seven 'seds.'

That is, they give it to the sons of the lower grades who are along with them for their society, i.e. this is the decoration of their dress the day on which they go away after their fostering is completed; or this is the price of their raiment, i.e. or the decoration of their dress for a fair, or for returning them after the fosterage has been completed. All these *seven* 'seds' are worth half an ounce or

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Fosterage. ramuigi, na fet fo uile indegaid o ta aiti itir da aire, ocus cumad do mac rig tuaithe, ocus mor tuaithe fo bed ina cumdach fin, ocus a da cutruma do mac rig tuath, ocus do mac rig cuiced, ocus a tri cutruma do mac rig erend. A netaig cumdacta tall fin ac in aite. No cumad iat loigi na netuig do berar leo amach iar nair diailtir, no na etaig fein; no cumad iat a netuig tuircomruic no follomain, no iar ndiailtir.

Gradu filed foenan cumu coir cengait.

.i. ceimnigter iarrait o na graduib filed fo cutruma fir na gradaib ata comardu frin do rein coir, .i. ir foendn inann liun fo cuma no fo cutrumaigi do rein coir na etaig fin do cheimniug do macaib na ngrad filed re a comgradu do gradaib tuaidi.

Saluch dillat.

.i. in tetad do berar im in falcar, .i. brat dub ocus inar dub do berar don muime in tan berir in mac for altram, in brat gin lomur, ocus in tinar cin tollur, cid re mac rig cid re mac athaig.

Ocus ech imrime.

.i. in tech imrime ir re mac grad flatha do berar, no re mac rig. Ni tabair re macaib na ngrad feine, ar ni muintir imrim doibride.

Ar id carut a ngenelaige.

.i. uair cartanach leo na geinelaig eillgither uaidib a clann, .i. i ngilrine iar mbelaib, amuil atá athair ocus mac ocus ua ocus

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half a 'samhaisc'-heifer from the 'aire-itir-da-aire'-chief, and it is for the son of a king of a territory, and of a great territory, that this decoration is, and twice as much for the son of the king of territories, and for the son of a king of a province, and three times as much for the son of the king of Erin. These are decorations of their clothes whilst under the care[a] of the foster father. Or they are the prices of the clothes which they bring out with them after the age at which their fosterage is completed, or of the clothes themselves; or they are their clothes of the meeting or of the festival, or after their fosterage is completed. FOSTERAGE.

[a] Ir. *Within.*

The grades of the poets properly advance after a similar manner.

That is, the price of fosterage of the poet grades is graduated in the same proportion as the grades which are of the same rank with them according to justice, i.e. I deem it proper that these dresses should be by right proportionately graduated for the sons of the poet grades according to their ranks co-ordinately with the lay ranks.

The nursing clothes.

That is, the clothes that are given to keep them clean, i.e. a black coverlet and a black tunic, which are given to the nurse when the son is given to be fostered, *i.e.* the coverlet without being threadbare, and the tunic without being broken, whether *these be given* with the son of a king, or with the son of a person of inferior rank.

And a riding horse.

That is, the riding horse is given with the son of *one of* the chieftain grade, or with the son of a king. It is not given with the sons of the Feini grades, for horsemanship is not taught to them.

For their tribe relations are friendly.

That is, for the tribe relations who receive their children from them are beloved by them, i.e. the 'Geilfine'-tribe relationship in the

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Fosterage. iarmua, ocus innua co cuicer; ocus geilfini iar culaib, .i. brathair thathar, ocus mac co cuicer beos.

Sechma mairid na feotu fo iar naois diailtir, cia fotoimlestus aos na fognum iat, is a nairic amuil bete. Munu mairit isin is aitgin amuil be inich tar a neis, no dona cia mairit cin cu mairit, aitgin inid dic ann, ocus tairic na bo ocus in neich o fect mbliadnuib amad, mad mairitt.

In bo derba co na deisib, ocus in tetad imrime, cid galus bunad, cid galus cundtabuistach, cid diroichid de tí friu fé fé n-iubaile, a naithgina beos daisic on athair don aiti; ocus mas fé fail imcoiméta in aiti dechrad a muda, ní icfa in taithiu iat, ocus icfuithes frus iar nais diailtis ón aiti.

Il aimsis isil aithgin, 7sl., .i. altrum cach meic amuil a hiarrus.

.i. is amlaid am ata do reir dligid; ollchoisithin do biud ocus do étad fos cach mac athuil bes méd na iarrfaid do beras leis.

Mara luga in talsram tucad fais na in talsram bud coir ar mac a athar, is athuil tairic a mialtais coni dechbisiur no cid dechbisiur. Maro mo in talsram tucad fais is a dilgi don mac amuil is dilig gacha comluga bis isin lanamain, ar is in ochtmad lanamain a aite ocus a dalta.

Cid fo dera conictur in olliarrfaid, ocus nach ictur in imforcraid leraigid tucad fos in leanum? Nochun fuil comluga lánamnuis isin in aiti ocus in taithiu, amuil ata isin in aiti ocus in dalta.

Athchus a mialtais cen dechbire.

[1] *Horse.* The reading here is probably corrupt. The Irish word in MS. 'etad' means clothes, but from the context it appears that the reading should be 'each,' a 'horse.'

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direct line, such as the father, and the son, and the grandson, and the great grandson, and the great great grandson to the fifth generation; and the 'Geilfine'-tribe relationship in the reverse line, i.e. the brother of the father, and his son to the fifth generation. FOSTERAGE.

But if these 'seds' are living after the age when the fosterage is completed, if the attendants have used them, they are to be restored as they are. If they are not living at all, restitution shall be made as they were at the time of *the completion of the fosterage*, or indeed whether they are or are not living, restitution of them must be paid, and the cow and whatever *animal was supplied by the father*, from seven years out shall be restored, if they be living.

As to the milch cow with its churn, and the riding horse,[1] if they are carried off within the proper period of the fosterage either by original disease, or doubtful disease, or by the visitation of God, (*i.e. lightning*) restitution of them must be made by the father to the foster father; but if it was through the negligent keeping of the foster father that they were lost, the father shall not make them good, and they shall be made good to him by the foster father after the fosterage is completed.

There is a time when there is restitution, &c., i.e. the fosterage of each son is according to his price of fosterage.

That is, it is thus according to the law; the supply of food and raiment is given to each son according to the amount of the price of fosterage which is paid for him.

If the fosterage given him is less than that which should have been given to the son of *such a* father, he must pay for bad fosterage, whether given without cause or with cause. If the fosterage given him was greater *than necessary*, it is forfeited to the son like every *claim of* set off which is between married couples (*or persons socially connected*), for the connexion between the foster father and his foster son is the eighth of these connexions.

What is the reason that the over fosterage-price is paid, and that the excess of fosterage bestowed on the child is not paid for? There is no *claim of* set off of social connexion, between the foster father and the father, as there is between the foster father and his foster son.

Returning the child unfostered without necessity.

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Fosterage.

.i. cen derg, cen macrad forr in lenum, acht faill do ní cin biad cin étaic dó.

Ceithri tathcoir ocus cethri timgairi do frimerum.

Tachcor a mialtoir cin decbire in mialtais ir dilri ind iarthuid uile, itir fuilled, ocus lor, ocus gert.

Mad tathchur a dagaltrum, conimtuca log neich fo facabair, grl.

Mad timgaire cen tathchur gin mallais, ni dogden ba don iarthuid.

Mad timgaire a dagallais co ndecbire in timgaire, log neich fo allais grl.

Ma timgairi a mallais cin deithbiri i mallais, ni facaib air mar timgairi hi fuidugad.

Mad timgairi a mallus co ndecbri, ocus do beir aite liach, trian do fagbail fri timgaire, ocus fainid in dá trian aile itir fé ocus in biad.

Tachur cen mialtur.

.i. tathchur a dagaltrumu cen decbri. Ir tairc aithgina in iarthuid, tachur a dagaltrumu dia mbi deithbiuth; ocus timgairi a dagaltruma, dia mbi deithbiuth. Log neich foaltur facabur do cechtar de, .i. dia tecma don aite dul dia tir, no dia tecma don aithir dul ar a tir, ocus ir omain leir a mac do facbail dia eir, conit fuinn inde, itir fe ocus traethur.

Sic.

Ired ir deithbiuth funn nechtair de dib ac dul a tír, in taite no in taithir. Ired ir deithbiuth fomuind fē no macrad.

Tathchur a mialtrum ar diumus, ni facabur nach fomuine ac in aite. Tiumgairi don athair ar diumus, cid con dagaltrum no cid a frochaltram, ni beir ni itir acht a mac.

[1] *Recallings.* The four recallings are set out in the paragraphs after the one following this.

[2] *Itch.* Itch, 'scrutach,' is probably the word for which the contraction fē in the text was intended.

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That is, without redness, without disease upon the child, but he (*the foster father*) neglects to give him food and clothing. FOSTERAGE.

Four returnings and four recallings[1] are reckoned.

The returning of the child unfostered without cause for the non-fosterage incurs forfeiture of all the price of fosterage, both addition, increase, and milk.

If there be a returning of a fosterable child, he (*the foster father*) must return the price of what he got with him, &c.

If he (*the father*) take away the child without his being returned and without bad fosterage, *on the part of the foster father*, he cannot recover aught of the price of fosterage.

If he take him away from his good-fosterage because it is necessary that he should take him away, *he shall pay* the price of the fosterage performed, &c.

If he takes him away from his bad fosterage without necessity arising from bad fosterage, he shall not then recover aught for his taking away.

If he takes him from his bad fosterage with necessity, and the foster father makes hard complaint, one-third *of fosterage-price* is recovered for the taking away, and the other two-thirds are divided between the *compensation for* time *lost*, and the food *consumed*.

Returning without bad fosterage.

That is, to return a fosterable child without necessity. The returning of a fosterable child incurs restitution of the fosterage-fee, if there be necessity; and taking away a fosterable child, if there be necessity, *incurs restitution also*. The price of the fosterage performed is deducted in either case, i.e., should it happen that the foster father had to go from his territory, or should it happen to the father that he had to go out of his territory, and that he is afraid to leave his son behind him, *the price* is then divided in two parts, between time and labour.

Necessity here means either of them having to go out of his territory, the natural father or the foster father. The necessity mentioned above means *the child being affected with* itch[2] or disease, *and when the foster father did not choose to keep him under his care.*

When the child not fit for fosterage is returned through pride, none of the price of fosterage is left to the foster father. When the father takes away *his son* out of pride, whether the fosterage be good or bad, he recovers nothing at all but his son.

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Fosterage. Mad gabus gin fri chnam leigis, is aithgin cuirp airrid don athair. Cid athair tiumgaire, beirid aithgin cétna. Dia fritgnaiter leigis, inní na fo caitheb fris don iarrdaid beirid aithir. Cid aithir tiumairgeg, beirid aithgin cétna, ocus facaib trian cor mbet.

Ceithri tathchuir ocus ceithri tiumgaire do rime frunn: tathchur a mialtus cin techtbri in mialtus, ocus tiumgaire a dagaltus cin teithbri; is dilig in iarrdaid uile, no a tairic uile i cectair de. Mad tathchur a mialtus co ndeithbri in mialtus, no tathchur a dagaltrama cin teithbri, no tiumgaire a mialtus cin teithbri in timgairi, ocus co ndeithbri in tathchuir, is tairic aithgina in iarrdaid uile, no a facbail huile in gach gne dib fo.

Mad tathchur a dagaltrama co ndeithbri, no tathchur a mialtus co ndeithbri in mialtuir, ocus in tathchur no timgairi a dagaltrama co ndeithbri, log neich fo altus fagabus don iarrdaid in gach gne dib fo.

Mad timgairi imurro a mialtus cin teithbri in mialtuir, ni facabus ni ar timgaire a fuidiugad.

Tathchur a foaltus cin teithbri, is aithgin in iarrdaid don athair. Ma teithbri, is fuinn itir fe ocus traothur; no mad imtoga fic dono in mialtus co ndeithbri in mialtuir, ocus co ndeithbri in tachuir, no co nimtoga. Mad indeithbri in mialtuir, no in tachuir, is aithgin in iarrdaid don athuir. Mad an dis beirus i teithbi, is uile don athuir, itir fuilled ocus log ocus gert ocus aithgin.

Tiumgaire a foaltus cin teithbri, ni beiri athair ni itir sic dono a mialtus co ndeithbri in mialtuir; ocus madeb beir

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FOSTERAGE.

If there be disease without medical attendance, there is restitution of his original fosterage-fee *to be made* to the father. Should the father take away the child, *in this case* he shall likewise get restitution. If medical attendance be supplied, the father shall obtain that part of the fosterage-fee which was not spent on it. If the father take him away, *in this case* he shall likewise get restitution, and he leaves one-third *of the fosterage-fee for the performance of the* implied contract.[a]

[a] Ir. *Contract of mouth.*

Four returnings and four recallings are here reckoned; returning *a child* being not found fit for fosterage, without necessity for bad fosterage, and taking away of a fosterable child without necessity; in either case all the fosterage-fee is forfeited, or to be restored. If the child not fit to be fostered be returned with necessity for the bad fosterage, or the fosterable child be returned without necessity, or the child not fit to be fostered be taken away without necessity for the taking away, and with necessity of the returning, in each of these cases restitution of all the fosterage-fee is to be made, or it is all to be left.

If there be a returning of a child fit to be fostered with necessity *for the returning of it*, or a returning of the child not fit to be fostered with necessity for the bad fosterage, and of the returning or taking away from good-fosterage with necessity, the price of the part of the fosterage performed *is deducted* from the fosterage-fee *and* left *to the foster father* in each of these cases.

But if there be a taking away of the child not fit to be fostered without necessity for bad fosterage, nothing is left *to the father* for taking away then.

When a fosterable child is returned without necessity, the fosterage-fee shall be restored to the father. If with necessity, the fosterage-fee is divided between time and labour; or if indeed he (*the foster father*) should select to retain him in the case of bad fosterage with cause for bad fosterage, and with cause for returning, he shall not have the choice. If without necessity for bad fosterage, or for returning, there is restitution of the fosterage-fee *to be made* to the father. If *there be* both *bad fosterage and cause for returning* without necessity, the father shall have all, both addition and increase and milk and restitution.

In case of taking away *a child* from good-fosterage without necessity, the father shall not recover anything whatever. This is so also in the case of bad fosterage with necessity for bad foster-

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Foster-age. im tiumgaire ann sin, is suinn itir se ocus thaothus; no mad imtoga leo andis cin cob deithbir itir. Mad cin deithbiri in mialtuis, is uile don athuis annsude, uair is deithbir in tiumgaire.

Teora aimsira dialtai; bas, ocus andglondus, ocus toga.

.i. in bas, ocus in tasglonus, ocus in toga .i. in linib dana, is comsuinn itir se ocus thaothus don iarsuid; no dono is bas nama amluid sin; ocus in tanglonus, .i. cin comsuiti. Ma tasgaig in taite in biathad ocus in teitiu, ocus ni etus on athair beith so na cintaib, is amuil tiumgairi a soaltus cin deithbirius don aithir. Ma tasgaig in taithir beith so na cintaib, ocus ni etus on aite in biathad ocus a neitiu, is amuil tachus a soaltus cin deithbirius.

In toga dana, mad tasgaid in taite in biathad ocus in teitiu, ocus ni etus on athair in tinacal, is amuil tiumgairi a soaltus gin deithbirius.

Ma tasgaid in tathair in tiumusichus, ocus ni etus on aite in biathad ocus an eitiu, is amuil tachus a soaltus gin deithbirius.

Ni tualuing aite na muime tathcus.

.i. cin suinn do na teorais sandais so saidsium, .i. ni leigset in tathcus mad fesis doib a nemadcus. Is aitgin gin log gen gin suilled, ma do tiagus so cusu a sabad naon lae, .i. nech eile danu dise in taltsumu do taidecht sae.

Altsumu feisce cen iarsaith.

[1] *For his Crimes.*—In C. 688 a passage occurs in connexion with this subject, to the following effect: "The crime of a son while being fostered, on whom do his crimes fall? i.e. his first crime without intention, without neglect, and his crimes of neglect are all upon his foster father.

"If he gave notice of his criminality to his father, or if the father himself was

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age; and if he (*the father*) take away then, it (*the fosterage price*) is divided between time and labour; or if both should choose it to be *as above*, without any necessity whatsoever, *the fosterage price shall be similarly divided.* If *the child is taken away from bad fosterage* without necessity for bad fosterage, all then shall be made good to the father, for the taking away is necessary. FOSTERAGE.

There are three periods at which fosterage ends: death, and crime, and selection.

That is, *in case of* death, and crime, and selection, i.e. *in case of the marriage* of the child, the fosterage-fee is equally divided between time and labour; or it is so *in case of* death only; and in crime, i.e. without intention. If the foster father offers the food and raiment, and he cannot induce the father to be responsible for his (*the son's*) crimes,[1] the case is similar to the father's taking him away from his good-fosterage without necessity. If the father offers to be responsible for the crimes, and he cannot *get* from the foster father the food and raiment, it is the same as returning from a good-fosterage without necessity.

As to the selection, if the foster-father offers the food and the raiment, and he could not *get* the *wedding*-gift from the father, it is the same as taking away from a good-fosterage without necessity.

If the father offers the overplus, and he could not *get* the food and raiment from the foster father, it is the same as returning from a good-fosterage without necessity.

Neither the foster father nor the foster mother are capable of returning *the child.*

That is, without one of the three conditions which we have mentioned, i.e. they shall not return him if it be better for them not to return him. There is *but* restitution without increase, milk or addition, if the compact is impugned by notice of one day, i.e. *in case* another person who is more entitled to the fosterage, impugns it (*the compact*).

Fosterage of affection without fosterage-fee.

aware of it, his father shall pay for his crimes, not of neglect, and his crimes of neglect shall be paid for by the foster father.

"Unless his criminality has been made known to the father, his crimes, not of neglect, shall be paid by the foster father."

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FOSTERAGE.

.i. ni dlegus smacht na coimdiue imdo, .i. in taltruma do ni nech ar fercuid leis can iarmuid do tabairt lais. In taltruma feisi gin iarmuid, cach fogail do genu fe amach fe nech eile, ocus do gentus fis amuich, ciamad ail a naccra for aite no for a buime, nocha dligtech, uair nach urail do fidhi ormo ocus nach tucad iarmuid lais; no dono chena is actugad so actaigestus in tan so gabustus hé na hicfaidis a cinuid.

Ni fil fri hiarmaith anechtair do airic cid iar ndiailtis.

.i. bas, ocus anogonnus, ocus togu, .i. in tralach dilat, ocus do dearba, no olliarmuid, ocus na neiche a dubrumar fomuinn truag; no ni so caithed don iarmuid.

Mara galar bunuid cindti rucustus na feoit fe fe n iubaile, feoit a comaicinta on aithir don aite.

Mara galar cunntabartach, is a let dic on athair don aite, ocus a nairic so uile on aiti don athair iar nais diailtis. Cid be aigaig, gnad no ingnad, beitis iat iar fe niubaile, munu maidit budein iar nais diailtis, feoit a comaicinta on aite don athair; no dono co na bed fe niubaili daithfegad fiu do gnes, act aithgin dic don athair ann; uair maso gadad iatt ac in aite, is a ndise dic fis in athair ann, ocus eneclann dic fe cectair de, .i. don aite ocus don athair.

Ni mifech fer in iarmaith a thiumgaise.

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That is, there is no 'smacht'-fine or body-fine due in this *case*, i.e. *in the case of* the fosterage which one performs out of affection for him (*the child*) without a fosterage-fee being given with him. *In the case of* fosterage of affection without fosterage-fee, every trespass which *the child* shall commit against another person, when not with his foster-parents,[a] or which is committed against him when not with his foster-parents,[a] though *eric-fine* for them may be demanded of his foster father or of his foster mother, *the demand* is unlawful, because they were not bound *to pay it*, and no fosterage-fee was given with him; or else indeed there was a stipulation made by them when they took him that they would not pay for his crimes.

[a] Ir. *Outside.*

Something in addition to the fosterage-fee is to be returned by either party after the fosterage is ended.

That is, *after the fosterage is ended by* death, crime, or selection, i.e. the nursing-clothes, the milch cow, or the over-fosterage-fee, and the things which we have already mentioned above; or that part of the fosterage-fee which was not consumed.

If it be an unquestionable original disease that carried off the 'seds' (*i.e. cattle given with the child in fosterage*) during the proper period *of the fosterage*, 'seds' of the same nature *and value must be given* by the father to the foster father.

If it be a doubtful disease *that has carried them off*, the half *of their value* is to be paid by the father to the foster father, but the full *value of* them is to be restored to the father after the fosterage is completed. Whatever death, usual or unusual, has carried them off after the proper period, unless they themselves are living after the age at which the fosterage is completed, 'seds' of the same nature *and value shall be given* by the foster father to the father; or else the proper period is never to be taken into consideration respecting them, but restitution is to be made to the father in the case; for if they have been stolen from the foster father, 'dire'-fine shall be paid for them to the father, and honor-price shall be paid to both, i.e. to the foster father and to the *natural* father.

The person who gave the fosterage-fee cannot take it back.

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Fosterage.

.i. nocha cuimgech in fer innraigis in iarrtuid amac (.i. innuigis in iarrtuid inund) don aite, a tiumgairi amuich, ar is ann so on is dilis in iarrtuid uile don aite, cid marb in dalta re ndiailtir, dia toirci altrumu do denum co so caitheb i sil gin caithem don iarrtuid, .i. dia mbe altrumu oca athair (.i. sic a les altruma). Ocus munube, is suinn itir se ocus traothus. Ocus mad forogart in taite a bithbinde dia athair, ocus ni icann cinuid a mic, is dilis in iarrtuid uile don aite. No dia toirgse a biathad ocus a eiseb oc denum dana i nocus don aite, ocus ni gaib in dalta, is dilis in iarrtuid don aite. No cemadeb bud ail don aite, gabail in imforcraid na iarrtata no co mbed ac in athair lenum sic a les altrum, no co comic sin imurcraid na iarrtata daisis uad don athuir.

Mad forae ferailis fri altrum mic in air araile.

.i. mad sis gabus in fer do ne in taltrum in iarrtuid re haltrum mic is in air i soibe in mac is marb and, no is in air nare in mic is comaes fris diambe oco, no cid sinud do berar, cid mó cuit an mic deidenuig, is luga a daebain do biud ocus detach.

Ni misech nech artad altrum for aite.

.i. nocha cuimgech nech a artad ar in aite, on meit is

[1] *Defendant.* This parenthesis is interlined in the MS. here.

[2] *Fostered.* This parenthesis is also interlined in the MS. here.

[3] *Profession.* Denam a dana means learning a trade, art, or science; oc denam a leigind means studying.

[4] *Of the same age.* This case assumes first, that the first boy was dead for some time, and secondly, either that the father had twin children born to him, or that

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That is, the person who sues for the fosterage-fee as plaintiff[a] (i.e. who sues for the fosterage-fee from the defendant[1])[b] from the foster father, cannot seize it as plaintiff,[a] (*i.e. from the foster father*), for in this case all the fosterage-fee is really forfeited to the foster father, even though the foster child died before the expiration of the period of the fosterage, if he offers to perform fosterage (*i.e. to foster another child*) until what remains unspent of the fosterage-fee is spent, i.e. if the father has fosterage, i.e. *another child* (which requires to be fostered.[2]) But if he has not, it (*the remnant of the fosterage-price*) is to be divided between time and labour. And if the foster father warned the father of his *child's* criminality, and that he does not pay for his son's crime, all the fosterage-fee is forfeited to the foster father. Or if he had offered to feed and clothe him (*the son*) while acquiring a profession[3] near the *residence of* the foster father, and the foster son did not accept of it (*this offer*), the fosterage-fee is forfeited to the foster father. Or the foster father may, if he likes, retain the excess of the fosterage-fee until the father shall have a child requiring to be fostered, or until he is able to restore the excess of the fosterage to the father.

FOSTERAGE.

[a] Ir. *Without.*
[b] Ir. *Within.*

If he retains it for fostering a son of the same age with the other.

That is, if the person who performs the fosterage retains the fosterage-fee for the purpose of fostering a son of the age of the son who died, or a son of the same age[4] with him, should he (*the father*) have such, or if an older *son*[5] be given him, though the last son has a larger portion, he requires less food and clothing than the other.

No person can force the foster father to take into fosterage *a son beyond the age.*

That is, no person is able to compel the foster father to do so,

he had two sons of the same age by different women. The elder son referred to might be a brother of the dead child taken for some reason from his first foster father and transferred to the present person.

[5] *Older son.* As the term of the fosterage ended at the age of seventeen years, the older the transferred boy was the less was the price of finishing his fosterage, for though he required more food and larger clothes his time was shorter.

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Foster-age. dialtirma in dalta fo foirithigestar cuice fadeoid, iar tochaithem na frei nar caith in cét dalta.

Is ae toga.

Is leis a foga do frein aei imin cét altrum, .i. madia nusocra don aite a bithbince don athair, ocus ni fetus on athus bid fai, is amuil diumgaire don athair. Mad airitiu imurro lais in aithir bed fo cinaid, ocus ni leic in taite oco, is amuil athćur don aite sin, ocus do taisic, .i. don athus on aite inni na fo tochaith in lenum don iarsaid; ocus ni fil lenb i nais arailе con athair ann, no cia bed, ise foga in athar in imforcraid daisic uad.

Mara marb in lenb re nais dialtai, mata ac in athair imuich lenb sic ales altrumu fo cétois, i foga in aite in altrumu do denum is in ni na fo caith don iarsaid, no ine in imuscraid na hiarsrata cuiser uad.

Munu fuil ac in athus lenb sic ales fo cétois, cumed bus ail don aite gabail imuscraid na iarsiata, 7rl., is dles in iarsaid uile don aite.

Og iarsaid co naisimither fri re.

Sic. .i. in nginarsrath; is a foga in athar ata in cuici beisiur an lenum no in tuilled iarsrata do bera leis; ocus ni ae foga in athus aisic in linib cin cob ail don aite a aisic; ni fuil tuilled niarsrata do.

[1] *Had not spent.* The text is here defective, and the commentator has barely preserved the custom in words sufficiently clear, though brief and abrupt. The custom was this:—"If the first son sent to be fostered happened to die before the expiration of seventeen years, it was optional with the father to send him a son of the same age as the son who died, if he had such, or an older son under the age of seventeen, but he could not compel the foster father to take a son above the age of seventeen to put in the time." The reason of this exception is obvious enough; but it is not easy to conceive why the father should wish to send a son already fostered in the place of the son who died, unless, indeed, such son were an idiot, or one incapable of doing anything for himself.

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when the foster son sent him last is beyond the age of fosterage, to put in the time which the first foster son had not spent.[1] FOSTERAGE.

There is a choice[2] *allowed* by law.

That is, it is his to choose according to law respecting the first fosterage, i.e. if *the child's* criminality is made known to the father by the foster father, and the father cannot *be got* to be responsible for it, it is like taking away the child by the father. But if the father consents to be responsible for his crimes, and the foster father did not permit him *to be so*, it is like returning the child by the foster father, and repayment is to be made, i.e. the part of the fosterage-fee which the child had not spent *shall be returned* by the foster father to the *natural* father; and *if* the father has not a child of the same age with the other in this case, or *if* he has, the father *can* choose whether the excess be returned by him (*the foster father*).

If the child dies before the age when the fosterage is completed, if the father has a child not in fosterage[a] which requires to be fostered immediately, it is left to the choice of the foster father whether he shall perform fosterage for that part of the fosterage-fee left unconsumed, or return the excess of the fosterage-fee.

[a] Ir. *Outside.*

If the father has not a child which requires *to be fostered* immediately, and that the foster father should like to retain the overplus of the fosterage-fee, &c., the fosterage-fee is then forfeited to the foster father.

Full price of fosterage is reckoned by the time.

That is, the under-fosterage[3]-fee; it is *left to* the choice of the father whether he shall take the child *home* or give additional fosterage-fee with him; but it is not in the choice of the father to take back the child if the foster father does not like to return him; *he* shall not receive any additional fosterage-fee.

[2] *Choice.* This means the mutual consent of the parties; or where one party is given his choice by the other.

[3] *Under-fosterage.* In O'D., 1450, the definitions of this and other terms are given, to the following effect:—"If the fosterage which he received be the fosterage due to him it is called 'cert-iarrath,' just fosterage-fee; if it be greater it is called 'oll-iarrath,' over-fosterage-fee; if it be less it is called 'ing-iarrath,' under-fosterage-fee."

The word 'ıŋ' signifies scarce or scant in this compound; 'ceꝛt' means right or just; 'oꝯ,' complete or perfect; and 'oll,' great or excessive.

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Fosterage.

Ollamrad a derbgar altrum dalere arailе.

.1. in iumuscrad iarrata, airgithur in taltrumu dareis a ceile uire iriuc. Ocus in tanas tuc in tachuis hi; ocus damad a fir, ro ba dilеs uad aithil cach ndiubairt fesa. In ollamrad imurro, .i. in iumuscrad iarrata ata tucad leis dairic don athair, munub comrogha leo marаen, in taite ocus athair, altrum fon iumfoscrad iarrata do denum, uair nocha rfuil comlogud itir in aite ocus in tachair uim in iarrud, cia bet itir in aite ocus in dalta im in imuscrad bid ocus etaig ro caithestar in taite fisin dalta; no dono ma ta ac an athair lenum fuc a les altrumu, ira rogha don aite ina log don altrumu no i naisic na hiumuscrad ón aite.

Ogiarrad tra; da ba dec ocus fecht fosudull dec ocus capull fognuma. Is de ata in iarrad ar ba fath forsin aite ag in diarna mad elaide lais; ar is forscrad forsin iarum (no fos nathiarrad) in tech sin. Dillat cleib dó, ocus aigen, ocus bó bainne do mite a bleogan a nescrad da orlaic dec, ba lan de in tescrad sin. Do miter damna teora mbaisigen fessuine, no a se do banfuine, ised do tét di lan. Ocus a crotad so tri fos tri litiu do i cen is mac aigin é, ecnem cein is mac boma nua, ar lais do do gres, in im do i ndomnaigeib.

Nac mog do forimaig leiss naltrumu do forimaig có brainne ocus fochruide don aite.

Ac cin fos aide co aír diailtri, .i. a fecht dec, ar is di fodlai in taltrumu; na tinntaba cin na codnach no a catach osin amach fos aite.

Di boegal naltrumu annso: a athcos se na se fos a muntir, ar a mbeitar co na iarrad uad uile inge bo bainde, cen ni do sia inge aon bliadain. Boegal eile tiumgaire sia na se o na

[1] *A second fosterage-fee.* This parenthesis is placed in the MS. under the two preceding words, as if it was an *aliter* reading.

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Over-fosterage-fee requires one fosterage after another.

FOSTERAGE.

In the case of over-fosterage-fee, one fosterage is required *to be performed* after another. And it was in ignorance the father had given it; but if he had given it knowingly, it will be forfeited by him, like every default with knowledge. But the over-fosterage-fee, i.e. the excessive fosterage-fee which was given with *the son*, shall be restored to the father, unless both of them, the foster father and the father, agree to have fosterage performed for the overplus of the fosterage-fee, for there is no set off of debts between the foster father and the father respecting the fosterage-fee as there is between the foster father and the foster son respecting the overplus of food and clothing which the foster father expended on the foster son; or, indeed, if the father has a child which requires fosterage, it is in the choice of the foster father whether he allows the value in fosterage or returns the overplus.

Full-fosterage-fee now; twelve cows and seventeen 'screpalls' and a working horse. It is called fosterage-fee because the chief has it as a fee upon the foster father if he abscond with it; for that horse is afterwards an overplus upon him, or a second fosterage-fee.[1] A cradle coverlet is given to him, and a skillet, and a milch cow, which, being milked into a vessel of twelve inches *in diameter*, fills that vessel. It takes the materials of three cakes of man-baking, or six of woman-baking, to fill it. This is to be made into three messes of stirabout for him while he is spoon-fed,[a] and into as many *meals of bread* while he is a fresh-diet-boy, and he is to have milk with it always *on week days*, and butter on Sundays.

[a] Ir. *A skilt-boy.*

In whatever way the completeness is increased in the fosterage it increases participation and the emolument of the foster father.

The responsibility of the foster child's crime is upon the foster father till the age at which the fosterage determines, i.e. seventeen; for the *responsibility and the* fosterage are inseparable: the faults of the sensible adults or their dignity will not affect the foster father from that out.

These are the two dangers to fosterage: *the first*, to return the child before the time to his people, for which all the fosterage-fee is taken away except the milch cow, *which is retained*, even though it (*the fosterage*) lasted only one year. The other danger is, that

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Foster-age. muinntir beiriut, ocus facbuid in iarriaid uile la nech no do aile, ar is dligtheċ ceċtair nae dib dia raile.

Cinuid mic nalcrumu, cia forra tiagat?

.i. a cet cin comruici for aite ineoch i roiċ ann; eric cuna denum tri faill, ocus a cinta faille uili for aite, cid ria nusfocra cid iar nusfocra a cet cin comruite cin faill, ocus a ċinta faille uili for aite.

Mad ro usfocair a bithbinċe don athair, no ma ro fitir fein, a ċinta bithbince cin faill do ic don athair; ocus a ċinta bithbinċe co faill dic don aite.

Ired is cinta faille ann a denum a riadnuisi gin fuaistre, no i nanfis. Ired is cinta bithbinċe gin faill ann, a denum tar farusgad i riadnuisi.

Muna ro usfocair a bithbince itir don athair, is cinta bithbince co faill ocus gin faill dic don aiti.

Or iar fuidiud mad ro fiarthur, o leaptha no arta.

.i. mad iar na focra don aite a bithbince don athair, ocus ni etus on athair fuiti, is amuil tiumgaire, .i. foaltair cin deċbisi, dilsi oġ niarrata don athair. Mad airite imurro laisin athair beċ fuiti (no so) ċinuid, ocus ni lecend a aite oca, is amuil athchor don aite sin, .i. a foaltus gin deċbisiuġ, ocus cesd aithgin daisic ann.

Cred is lesuid ar leit, no is arta ar trian do na deosuib

[1] *Be found.* The text is here defective.

[2] '*Lesuidh*'-*sheltering*, &c.—*Vide* C. 2548, *et seq.*

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the child may be taken away by his people, in which case they leave all the fosterage-fee to the person who fosters, for both are bound to cede these conditions to each other. FOSTERAGE.

The crimes of the foster son, on whom do they fall?

That is, the foster father is responsible for the first crime of intention as far as it extends; 'eric'-fine is *to be paid* for the committing of it through neglect, and his crimes of neglect are all upon the foster father, whether before warning or after warning *the father* of his first crime of intention without neglect, and all his crimes of neglect are upon the foster father.

If the father was warned of his (*the child's*) criminality, or if he himself knew of it, his crimes of delinquency without neglect shall be paid for by the father; and his crimes of delinquency with neglect are to be paid for by the foster father.

Crimes of neglect are those which are committed in the presence *of the foster father* without being prohibited, or without his knowledge. Crimes of delinquency without neglect are those which are committed in violation of, (*i.e. against the will of the foster father,*) in his (*the foster father's*) presence.

If he (*the foster father*) did not warn the father of his criminality at all, the foster father shall pay for his crimes of delinquency with neglect and without neglect.

And after this if it be found[1] from 'leaptha'-sheltering *of a* criminal, or 'apadh'-sheltering *of a criminal.*

That is, if, after the foster father had warned the father of his *son's* misconduct, he cannot *get* the father to be responsible for it it is the same as taking back, i.e. a fosterable child without necessity, the entire fosterage-fee is forfeited by the father. But if the father agrees to be responsible for his *son's* crimes, and that the foster father does not permit him *to be so,* it is like sending back the child by the foster father, i.e. *returning* a fosterable child without necessity, and he shall make a just restitution *of the fosterage-fee* in the case.

What is "'lepuidh'-sheltering[2] is *estimated* at a half," or "'aptha'-sheltering at a third," to the strangers and the persons from beyond sea, since they have no tribe themselves? "'Aptha'-sheltering

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Foster-age. ocus do na murchuirtib, uair nocha ngnáth fine aca budein. Iseó am is arba ar thian doib fine i nurrnaidi ar a taitt gnáun. Isseó is lerba ar let imurro cach fine o ta fin amach.

Ndíles cach iarraid tar ainme indeithbire.

.i. ni dligid fer ailes ni diarraid mad ainmech, acht thian, .i. is mad deibiri in ainim, .i. bid iar fir, .i. muinir o dia, .i. is indles in iarraid don aite o ferrfuithes ainm-cneide ar in dalta tre indeibiriur, .i. gin a coimet don aite ar rupu ocus deorutaib. Mat ruir neich eile imurro, is slan fiach a ropu fa mbithbinde on tí is a ae, ocus da thian in iarrata, no cert log na hainme o aite; a etrocaire.

Sic.

Mad trocaire imurro, is tuilled don iarraid fri cinta in ruir co roibe log na hainme ann, mad luga cin in ruir ind ina ainme.

Mad codnach imurro fuachnuiger frir, cid deorutd cid urrutd, dia tarrugtur fair, ni icand in taite ni frir in athair. Ocus cid ruir dono, indeibiri don aiti cin a imcoimet; ocus ci cert frirum, da thian gach cinutd do gnithes frir cein ber acu; ocus thian in cach cinaid do gnithes frir iar ndul uad.

[1] *Wicked beasts.* Bulls, rams, dogs, &c.

[2] *Less than the blemish.* This shows that the injury inflicted by the 'Rop,' or wicked beast, was calculated according to the nature of his attack, and that the foster father was fined according to the injury resulting from that attack. Thus (to suppose a case), if a bull gore a boy, the bull (or rather his owner) shall be fined for *goring;* but if he destroys the boy's teeth, or puts out his eye, the foster father shall be fined, not relatively to the crime of the bull, but to the injury sustained by the boy. If the fine for goring be equal to the fine for the injury inflicted on the foster child, then the foster father is free, except as to the levying of the fine, because the owner of the bull is bound to pay for the injury; but if the injury inflicted be more than the fine for goring, then the difference shall be deducted from the fosterage-fee which is in the foster father's hands until it amount to two-thirds thereof, but shall not exceed it.

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at a third" to them applies to the tribe of the native on whose land they are. But "'leptha'-sheltering at a half" applies to every tribe from that out. FOSTERAGE.

Unlawful is every fosterage-fee beyond the avoidable blemish.

That is, the fosterer is not entitled to any part of the fosterage-fee if he (*the foster son*) be blemished, except one-third, i.e. if the blemish could have been avoided, i.e. it is after knowledge, i.e. unless it be from God, i.e. the fosterage-fee is not lawfully due to the foster father when a wound-blemish has been inflicted upon the foster son when it might have been prevented, i.e. when he (*the child*) has not been guarded by the foster father against wicked beasts[1] and strangers. If the wicked beasts belong to another person, full fine for the injury is to be paid by the person whose property they are, and two-thirds of the fosterage-fee, or the full fine, for the blemish by the foster father; this is the severity of the case.

If it be the leniency, some more of the fosterage-fee is to be added to the 'eric'-fine for the crime of the beast until it reaches the value of (*i.e. the fine for*) the blemish, provided that the crime of the beast be less than the blemish.[2]

If it be a sensible adult that has attacked him (*the child*), whether a stranger or a native, if they have inflicted *a blemish* on him, the foster father shall pay nothing to the father. But if it be wicked beasts, it is unlawful in the foster father not to guard him *against them;* and if justice be rendered *the son,* he shall be paid two-thirds of *the fine for* every crime committed against him, *i.e.* while he is with him (*the foster father*); and the third *of the fine* for each crime committed against him after leaving him.[3]

[3] *After leaving him.* When the foster son left the house of his foster father he was then under the care of his own father, and, therefore, the foster father could not be sued for his crimes; but the foster father had still two claims upon him, namely, he was entitled to one-third of all the fines, the first fine obtained for the first injury done him, and he had a claim to be supported by him in his old age, should he lose his own children. His own eldest son, legitimately begotten on the body of his first wife, was the first who was obliged to maintain him; next, after him (in case of death or other accidents), his other legitimate sons, according to their respective ages; and next his foster children, according to the order in which he fostered them, and the rank and affluence of each. But these particulars are not specified.

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FOSTER-AGE.

Indleas cach iarrraid cid mo dono in ainim facabus co trian.

.i. coirrdirne anfoit fund o aiti, ocus cutruma ina coirrdirne comruiti, do fmacht; no da trian in iarrraid ma luga ina coirrdirni comruiti.

Sic.

Mad cedra .c. cintach neich eile fuachnaigeas frus in mac is fuilled uadus, gurub coirrdirni anfoit. Mad led dirne no lan dirne, is dobach nama dlegur don aiti, ocus in fmacht uad beos, ut diximus, .i. ma fo aill no dreim, no loch forcelt, ocus muigaigter, is led coirrdirni innti, ocus in tiarrraid uile. Munus atmuigaigte, is led coirrdirni inntiu, fecired coirrdirni, ocus bec don iarrraid mad bec in fuachtu. Cid mo ind fuachtu ina da trian, ni tét tas da trian iarrrata, uair is ainm, ocus trian don aiti

Led fiach fodu aiti ocus fodu muime cacha cneid fedrus berta ocus fleaga for in dalta, ocus dreimennaib fuir ocus aes bidbunuis, co fis a bidbunuis; ocus cutrumus coirrdirni na cneide comruiti don iarrraid dragbail, co fo da trian na iarrrata ar fmacht, ocus o fo fia nocha teit tasuis.

Lan fiach fos in duine comaitech dano herba a doimet re re naenuire, ocus is fus fo foglaid anodin, ocus damad e fo foglui amach, ci duine comaithech gabus do laim led fo cintaib, co fis a bidbince, no cid aiti no muime, is tuidecht doib fo lan in eccodnuig.

Cach cned dib fin fedrusthes air tria faill umcoimeta in aiti, led fiach and fos aiti, ocus cutrumus coirrdirni na cneide comad e don iarrraid dragbail, co fo da trian na hiarrrata, ar fmacht, ocus ofo fia nocho tét tairis; ocus ge no tairistea lan

[1] —— Text defective here.

[2] *Full fine.* In the margin of the MS. the words 'tres dul' third book, occur here.

[3] *Outside*, i.e. hurt any body outside the land belonging to him who had him in charge.

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Unlawful is every fosterage-fee, if the blemish left be greater ——[1] to a third. FOSTERAGE.

That is, body-fine for inadvertency is here *paid* by the foster father, and as much more for 'smacht'-fine, if it be body-fine for *the crime of* intention; or two-thirds of the fosterage-fee if it be less than body-fine for intention.

If it be the wicked cattle of another person that attack the son, he (*i.e. the foster father*) shall pay additional, until it amounts to body-fine for inadvertence. If it be half 'dire'-fine, or full 'dire'-fine, the foster father is bound only to collect it, but he must pay the 'smacht'-fine also, as we have said, i.e. if the son went *to* climb a precipice, or swim in a lake, and that he was lost, (*i.e. killed,*) it is half body-fine that shall be *paid* for it, and all the fosterage-fee. If he has not been lost, there is half body-fine to be paid for it, whatever that body-fine may be, and a small portion of the fosterage-fee if the attack was slight. If the *'eric'-fine for the* attack is more than two-thirds *of the fosterage-fee,* it shall not exceed two-thirds of the fosterage-fee, for it is a blemish, and one-third *is* for the foster father.

Half fine *is imposed* upon his foster father and foster mother for every wound which spikes and spears shall inflict upon the foster child, or for the attacks of wicked beasts or enemies, if their enmity be known; and as much more of the fosterage fee as the body-fine for the intentional wound, shall be got for 'smacht'-fine until it amounts to two-thirds of the fosterage fee, but when it reaches this it shall not go beyond it.

Full fine[2] *is imposed* upon the neighbouring man who was told to mind him (*the child*), for one hour, if injury was inflicted on him during that time, and if he (*the foster child*), committed any injury outside,[3] whether it be a neighbouring person who has undertaken to be responsible for his crimes, with knowledge of his delinquency, or his foster father or his foster mother, such person shall become subject to the full fine *incurred* by the child.

For every wound of those *already referred to,* which shall be inflicted through the negligent keeping of the foster father, half-fine shall be paid by the foster father, and as much more as the body-fine for the wound, shall be obtained as 'smacht'-*fine* out of the fosterage-fee, until it amount to two-thirds of the fosterage-fee, but when it has come up to this amount it does not go beyond it; and

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Fosterage. fiach amach do fopuib, ocus daos bibunuis, nochun fuil cuibdius daithfegad etusnu ocus aiti ocus muime, uair gaé baile i mbia nech bus lanamandæ ac denum fogla re nech, ocus duine naé bu lanamandæ, ni fuil cuibius daithfegad etusnu.

Ocus is fir altrumu trian dona fiachuib seo.

.i. trian coisrdisi na cet cneidi fesfuitheis air. Mad so ic aiti a éin ria ndiailtiu, ocus fuactnuigthes fris imuig iar sin, trian na fiach sin don aiti.

Ma oc aiti fuactnuigtes fris, trian na fiach sin don aiti, cin cu ica in cinaid, .i. cet cin, con ica a cet cinuid, mad occa bes in tan fuactnuigtes fris. Mad iar ndiailtiu imusnso fuactnuigthes fris, ni besa a aiti ni dia coisrdisi, act mad so ic a éinuid re techt uad.

Ocus is aen ara nepenar trian fir altrumu, .i. fir ailes.

.i. trian na cet cneidéd comsuiti cin faill fesfuithes for in dalta dic fisin aiti; ocus is ano ictus sin fis in tan so naileptus co aos diailtsi, ocus is aice so fesad cned fair, ce so ic cin cos ic a cinaid. No ma so ail co aos diailtsi, ocus is iar ndul uad so fesad cned fair, ocus so íc a cinaid, beisid in trian.

Mas iar ndul uad so fesa cned fair, ciasnail co aos diailtsi, munu so ic a cinuid nocho beis nach ni.

[1] *Closely connected*, i.e. connected by marriage, by fosterage, or any of the other social connexions.

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though full fine be recovered from *the owners* of wicked beasts, and from enemies, no comparison of equality is to be instituted between him (*the neighbour*) and the foster father and foster mother, for wherever there is one who is more closely connected,[1] who is committing trespass against any *foster child*, and one who is not so connected, there is no comparison of equality to be instituted between them.

And the third of these fines is *due* to the fosterer.

That is, the third of the body-fine for the first wound which shall be inflicted upon him *is due to his foster father*. If the foster father had paid for his crime before the completion of the fosterage, and that he is attacked afterwards when not under the care of the foster father,[a] the third of the fines *payable on the occasion is due* to the foster father.

[a] Ir. *outside.*

If he were attacked while *living* with the foster father, the one-third of the fines is due to the foster father, even though he has not paid for his crime, i.e. his first crime, so as he has paid for his first crime, if he is with him when he is assaulted. If he has been assaulted after his fosterage has ended, his foster father shall not obtain any part of his body-fine, unless he had paid for his crime before he left him.

And it is the only case in which it is called the fosterer's third, i.e. *the third of* the man who fosters.

That is, the third *of the fine for* the first wound of intention without neglect which shall be inflicted on the foster child shall be paid to the foster father; and this is paid to him when he has performed the fosterage to its completion, and it is with him (*while the child was under his care*), the wound was inflicted on him, whether he has or has not paid for his crime. Or if he has fostered to the age of the completion of the fosterage, and it was after leaving him the wound was inflicted on him (*the child*), and he had paid for his crime, he shall obtain the one-third.

If the wound was inflicted upon him (*the child*), after leaving him (*the foster father*), even though he has completed the fosterage, if he had not paid for his crime he shall not obtain anything.

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Fosterage. Maṫ ronail co aes diailtri, ocus is aice ro ferad cneṫ fair, ce ro ic cin co ric a cinaiṫ; no ma ro ic a cinaiṫ, is iar nsuil uaṫ ro foglaig fris, ocus ni ronail co aes diailtri, in tainm fainne don re ronailestus gusub e in tainm fainde don triun beiris in taiti.

Cia airet bis imcomus for macaib naltrama?

.i. cia fat bis eim cuimriugaṫ cuṫa for na macaib do nithes naltram? A tri tomaiṫim cinaiṫ in mic cin a denam, ina cet cinaiṫ. A cuad is in cet ais, ocus a beṫ gan biaṫ, la cuiṫ, is in ais tanaisi; ocus aithgin is in ais deiṫenaig, o da bliaṫain decc amach. Ocus ni fecus deṫbis itis a rogad ocus a ngait co da bliaṫain dec. Is in cuiceṫ cin ro faig lan dire fair is in ais tuistig, ocus is in cethramaṫ cin is in ais meṫonaig, ocus is in ais tres cin is in aes deiṫinaig, ma rogaṫ ma gait is in dara cin. *Sic.*

In tan do ni aon cin no da cin is in aes tuistig, aithgin fair is in ais meṫonaig; leṫ dire fair iar sin, cid is in ais meṫonaig no deiṫenaig, ma rogaṫ.

Is lan dire fair imurro ma gait is in ais deiṫenaig, iar nic aithgina ar tus tre rogaṫ. In tan na dein cin itis co ndein isin ais deiṫinaig, aithgin fair maṫ rogaṫ, ocus is leth dire fair mad gait; no is aithgin ina gait, uair ni roiṫ dire, ocus is tuistiuchu do aithgin dic.

Aithgin o fuiṫiu co cenn fecht mbliaṫun ndec.

.i. cet cin innsin isin ais sin. Munub cet cin, is leṫ dis la haithgin is in ais sin. Maṫ iar fecṫ mbliaṫna dec, is lan

[1] *First age.* One to seven years, first age; seven to twelve years, middle age; twelve to seventeen years, last age.

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If he has fostered till the age when the fosterage determines, and *the foster son* was with him *when* the wound was inflicted upon him, whether he had or had not paid for his crime; or if he (*the foster father*) had paid for his crime, *and* it was after leaving him the injury was done to *the child*, and he had not fostered till the age when the fosterage determines, the foster father shall obtain such a proportion of the third *of the fine* as the time during which he has fostered bears to the whole term of the fosterage.

How long is there power over foster sons?

That is, how long is the power of castigation allowed over the sons who are being fostered? Three threatenings of the son for his crime, without putting them into execution, for his first crime. He is to be castigated in the first age;[1] and he shall be without food, with castigation, in the second age; and restitution *shall be made* during the last age, from twelve years out. And no difference is observed between their assault and their larceny until *they reach* twelve years. For the fifth crime full 'dire'-fine shall be inflicted on him in the first age, and for the fourth crime in the middle age, and for the third crime in the last age, and for the second crime if it be assault or larceny.

When he has committed one crime or two crimes in the first age, he shall make restitution in the middle age; half 'dire'-fine shall afterwards lie against him, whether *committed* in the middle age or in the last age, if *he has committed* assault.

It is full 'dire'-fine, however, that *shall lie* against him if *he has committed* theft in the last age, after having first made restitution for assault. When he has committed no crime at all until he does so in the last age (*i.e. twelve to seventeen*), he shall be liable to restitution for assault and to half 'dire'-fine for theft; or to restitution for his theft, for 'dire'-fine does not reach him, and he makes restitution sooner.

Restitution from that time to the end of seventeen years.[2]

That is, this is *the penalty* in the case of the first crime in that age. If it be not the first crime, half 'dire'-fine with restitution *shall be*

[1] *Years.* In margin here cuṗaṫ, chastisement, is glossed ṫroṗcaṫ, fasting.

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Fosterage. fiach fail cid é a cin ina cet cina, .i. cin tanuisi iar fecht mbliadna ocus is cuma ocus in tres cin co fecht mbliadna, &c. .i. Is e aisnet is ecosnach in mac, ocus is e se in altrumu, ocus is conici ata in ais deidinach. Ocus tochaitim aisi co tomaithum aon cinuid in gach ais gan a ndenum fuil ar tri haesaib frin fo flaithrium do na macaib becaib; ocus is as frin is follus o icait mic beca aithgin, no o tiucsus aois ica aithgina doib, co na teit aois i n-aisniuth cinaid do gres.

Mad eissi ind aithgin iar tres cinud, lecht dili co cenn fecht mbliadan ndec.

.i. madia naitrig no madia naisige cin do denum is in ais medonuig, a haithli cinuid na cet aisi, aithgin ais, mad aithgin ais is in tres cinuid do ni, no is in cinuid do ni is in ais deidinaig, uair is e in tres cin do é, ocus aon cinuid do rigne in cad ais do na tri hoesaib frin, ocus in cet ais dib ar fon cuslta, uair tochaithiuth aisi co tomaithiuth aon cinuid in gach ais cona denum, uil ann frin; ocus frobach do rigne se is in aois deidinuig and frin, uair da mad gait, frobu lan fiad, .i. cet cin and frin is in aois; munub cet cin, is lecht dili la haithgin is in aois cetna.

Mad iar fecht mbliadna dec, is lan fiach fail cid é a cet cin; aithgin iarsin da bliadain dec ina cet cinuid, cid be cin mad é a cet. Mad é ala cin is lecht ina nguin; lan fiach is in mada frin; aithgin o tha ini ada frin, o ta in da bliadain dec in a cet cinuid co fuice fecht mbliadna dec, uair isi in ais deidenach; ocus tochaithiuth aisi, co tomaithiuth cinuid in cad ais, cin a ndenum uile ar na tri haesaib frin fo flaithrium[1], do na macaib beca; ocus is as frin is follus o icsuit mic beca aithgin, no o tiucsus aes ica aithgina doib, co na teit ais a naisim cinuig doib do gres.

[1] *The third crime.* Immediately after the corresponding words in the MS. there is an interlined gloss .i. 'iarin deide' i.e. after the second.

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against him in that age. If above the age of seventeen years, full fine shall be *imposed* upon him, whether it be the first crime or not, i.e. the second crime after seven years is equal to the third crime before seven years.—S.D. That is, it is the time, (*i.e. seventeen years*), during which the son is an infant, and it is the limit of the foster-age, and, *consequently*, the last age *of the fosterage* extends to it. And in passing through the three ages which we have mentioned the little boys were threatened for their first crime in each age, without putting *the threats* into execution; and from this it is evident that as soon as little boys pay restitution, or when their age of paying restitution has arrived, age is not taken into consideration at all with respect to crimes. FOSTER-AGE.

If he (*the foster-son*) pay restitution after the third crime, *he is liable to* half 'dire'-fine to the end of seventeen years.

That is, if he happen to commit crime in the middle age, after the crime of the first age, there is restitution *due* from him, if restitution be *due* from him for the third crime[1] which he commits, or for the crime which he commits in the last age, for it is the third crime to him, and *in this case* he had committed one crime in each of these three ages, and the first age was liable to castigation, for *the rule that*, "in passing through *their* age they are threatened for first crime in each age without executing the threats," holds good here; and it was assault he committed in the last age in this case; for if it was theft, there would be full fine *incurred*, i.e. this was the first crime in *that* age; *for* if it be not the first crime, half 'dire'-fine is *payable* with restitution in the same age.

If it be after seventeen years *he commits crime*, he is *liable to* full fine, even though it be his first crime; restitution after twelve years *is due* for his first crime, whatever crime it may be, if it be his first. If it be his second crime there is half *fine incurred* for wounding; full fine in this case; restitution from that case out, from twelve years for the first crime until seventeen years, for it is the last age; and in the passing through *their* age there is threatening of *punishment*, &c., for the crime in every age without putting it all into execution in the three ages which we have mentioned, upon the little boys; and from this it is evident that after the little boys pay restitution, or after they come to the age of paying restitution, age does not ever affect their crimes.

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FOSTER-AGE.

Mad la urrad nurchonn fo frich.

.i. madia focairtiur a bithbince do ire icus a cinuid uili, icir dirri ocus aithgin. Munu focairtiur, ir aithgin nama dicinn no icus; ocus lan friach for in duine comaitheċ dar herbad a coimet re re naonuaire, 7rl., .i. in tan teit in mac la urrad ire icus a cinta, diambe fonaidm, ocus ni bithbinach. Munu be fonaidm ir leċ icus. Diambe fonaidm, ocus ir biċbinaċ, ocus focairiur a bithbince, ir ic a cinuid uili dirri lairi teit. Munu focairtiur, ocus bid fonaidm, ir fuinn in cinuid etarru. Munu focairtiur, ocus ni bi fonaidm, ir a cin tall uili; no
Sic. dono ir a cin for firi lairi teit inunn olċena. Dia focairtiur, ocus ni bi fonaidm, ir fainn in cinuid i né etarru beor.

[8] Ot gerta cach meic, 7rl.

.i. log anech (no log a nenech) oc a tairbenad dia muinntir iar ndiailtri, ocus ló a nettig, fil tuar. In cutruma do fetuib do berar on aiti don mac funn ar a gairi do denum ac teċt uad. Geoit gairitheċta fo do berar do na macaib iar naoir diailtri, ar in ngairi do denum, ocus ló na gairi re taob frin; ocus ir amlaid dlegar dib a denum amail do nidir gairi a mathar no a nathar; ocus munu dernat, ata fmaċt nemdenum na gairi uadu. Ocus ma erbadach ni don iarrtaid, in tainm fainne ir erbadaċ di gurube in tainm fainne frin bur erbadach do na fetuib gairitheċta. Ocus munu tucar feoit gairitheċta doib, nocho nindligteċ doibriam gin gu ndernat in gairi no co tuctar doib iat. Ocus ir ann ata na feoit

[1] *Or their honor-price.* The Irish for this occurs as an interlined gloss in the MS.

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If *it be* with (*i.e. in the care of*) a distinguished native he has done injury. FOSTERAGE.

That is, if his delinquency has been made known to him it is he (*the native*) shall pay for all his crimes, both 'dire'-fine and restitution. If it has not been made known, he shall pay restitution only; and the neighbouring man who was ordered to mind *the child* for one hour is subject to full fine, &c., i.e. when a son goes with a native it is he (*the native*) who shall pay for his crimes, if there be an agreement *to that effect*, and he (*the child*) is not ill-conducted. If there be no agreement he shall pay one-half. If there be agreement, and the boy is ill-conducted, and his misconduct has been proclaimed, all his crimes shall be paid for by the man with whom he goes. If it be not proclaimed, and there was agreement, the *payment for the* crime shall be divided between them. If it be not proclaimed, and there is no agreement, all *the payment for* his crimes shall be upon the foster father;[a] or else his crime shall be upon the man with whom he went, similarly in general. If it be proclaimed, and there is no agreement, *the fine for* the crime he commits is also to be divided in two between them.

[a] *Ir. within.*

The *foster father's* parting gift of every son, &c.

That is, the honor-price, (or their honor-price,[1]) in the showing of them to their people after the completion of the fosterage, and the price of their raiment, is above *referred to.* The '*séd gertha*' is the quantity of 'séds' which is given by the foster father to the son on his leaving him, with a view to his (*the foster father's*) *future* maintenance. These are 'seds' of lawful maintenance which are given to the sons at the age when the fosterage determines, *as earnest* of the claim for *future* maintenance *by the foster father*, and the price of the maintenance is given besides; and the manner in which they (*the foster sons*) are bound to do it is in the same manner as they would maintain their *own* fathers or their mothers; and if they do not, they shall pay 'smacht'-fine for non-performance of the maintenance. And if any part of the fosterage-fee was defective, the proportion of it which is defective is the proportion of the 'seds' of lawful maintenance which shall be wanting. And if the 'seds' of lawful maintenance be not given to them (*the foster sons*), it is not unlawful for them not to perform the maintenance until they are given to them. And the 'seds' of lawful maintenance are complete when the foster father has fostered

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Fosterage. gairitecta co comlan in tan ro ailiftur in taiti co air diailtri, ocus tuc iarrtuid do reir dligid ann. Mas erbadach ni don iarrtuid, in tainm ruinne bus erbadach de gurube in tainm ruinne rin bus erbadach do na fetaib gairitecta; ocus ni lugaiti dligfes in gairi do denum, nochu ninoligtech doibriuin gin gu dernuit in gairi no co tucar doib iat.

Sic. Cadiat feoit gairitecta na mac so? Nin. Da fcripall dec feoit gairitecta mic boairech; inann ota fer midbuid co ruici boairi. Uingi airgit fét gairitecta (no giarta), cac mic ota aire itir da airi co ruici airi forgill, inand ota airi forgill co ruici mac rig. Tri let nuingi airgit feoit geartta mic rig. Inunn imbi mac fa ingin.

Cadiad aimfirra dogla? Nin. A cinn a ceitre mbliadan dec do ingin, a cinn fect mbliadan dec do mac. Cenmotha aimfir diailtri, ataat da aimfir diailtri cenu, aimfir eca, ocus aimfir ber fogla cetamus, ocus aimfir a cet cin, ocus tathcor. Cia dilgium lan iarrtaid, moaithes a folaid frir. Cia hindilgium lan, muna fagbaithes a folaid, tathcor athcor altrama. Munu tathcortha iarrtaid ir ann faigit combid riad. Mafa luga in taltruma tucad air, 7rl.

Indles cach niarrtaig, 7rl.

.i. let fiach gaca cneide fertuit beta ocus fleaga, cip ocus clocha, ocus doeta ocus aes bidbunnuis ar in dalta, dic da aite, ocus cutrumus coirpdiri na cneide co na fearaidain trie comruiti ro fearad ar in dalta, don iarrtaid, no co ro da trian ar rmacht, ocus o ro ria noca tét tairis. Ocus cia tarrtuid in lan rin amuig do ropuib ocus do aes bidbunuis, noco nfuil adbegad cuibusa etusru ocus aiti ocus muime, 7rl.

[1] If the fosterage-fee was defective, the 'seds' of lawful maintenance shall be defective in the same proportion.

[2] *An ounce.* Sic. in original.

[3] *Foster-mother, &c. Vide* p. 188, *supra*, where this passage is given more fully.

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to the age at which the fosterage determines, and had received fosterage-fee[1] for it according to law. If any part of the fosterage-fee was defective, the proportion in which it was defective is the proportion in which the 'seds' of lawful maintenance shall be defective; and they (*the foster-sons*) are not the less bound to perform the maintenance *in consequence of this proportionate deficiency in the 'seds' of lawful maintenance, and* it is not unlawful for them not to perform the maintenance until they are given to them.

What are these 'seds' of lawful maintenance of the sons? Answer. Twelve 'screpalls' are *the value of* the 'seds' of lawful maintenance of the son of a 'bo-aire'-chief; they are the same from the humblest man to the 'bo-aire'-chief. An ounce[2] of silver is *the value of* the 'seds' of lawful maintenance of every son, from the 'aire-itir-da-aire'-chief up to the 'airi-forgill'-chief, and the same from the 'airi-forgill'-chief up to the son of a king. Three half-ounces of silver are the 'seds' of lawful maintenance of the son of a king. It is the same for the son as for the daughter.

What are the periods of selection? Answer. At the end of fourteen years for the daughter, *and* at the end of seventeen years for the son. Besides the *usual* periods at which the fosterage determines, there are two other periods at which it determines also, *namely*, the time of death and time of trespass at first, and the time of the first crime and the returning. Though he (*the foster father*) forfeits the full fosterage-fee, his property is not decreased by it. Though the full *fosterage-fee* is not forfeited, unless his property can be found he must return the foster child *to his father*. If he does not return the fosterage-fee he is then sued for payment. If the fosterage he has performed is less, &c.

Every fosterage-fee is unlawful, &c.

That is, half the fine for every wound inflicted by spikes and spears, by sticks and stones, by bondmen and enemies, upon the foster child, is to be paid by his foster father, and as much more of the fosterage-fee as *the amount of* the body-fine for the wound which was inflicted with intention upon the foster child, until it amounts to two-thirds, shall be paid as 'smacht'-fine, and when it comes up to this it shall not go beyond it. And though this full *amount* be recovered in the case of wicked beasts and enemies, no comparison of equality can be instituted between them and the foster father and the foster mother,[3] &c.

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INCIPIT CAIN TSAORRTAD INTO SO SIS.

'Saer'-stock Tenure.

Cain traorphaith cid ara neipenar? Cia mearom do cain traorphaith? Manchuine ocus upeirge.

.i. riaghail in ratha fair if de ata airneir frisnai, .i. cen gellad, acht fuigiud nama. Cid ara neipenar, .i. cid ar a faidser no ara naisneiset in rath fraor. Cia mearom, .i. caid inni if mora don ceile da tabuir in rath faer? Saorfrath boaisech, teora ba, ocus teora bai a fomuine i cind tri mbliadan, ocus dia nel impu uili, it da ba dec iar nelod, ocus fe ba dec ocus dech fesiputll ocus da pingind, lo a lacta cona fuillium, i cind teora mbliadan iar nelod. Manchuine, .i. fer cacha fomuine, do denum a duine, no a meithle, .i. an dun, no argluaigeid lair, ocus ni fegtar frisi tuscluiud im manchuine. Ocus upeirge, .i. fer cacha fomuine gach trer bliadain do gner don flaith, .i. comeirge do denum ime cein beit a fuidiu, .i. a tri a naon lo ara cinn, ocus cin co dernartur nochan fuil acht diabluid comeirge, ocus da mad ail lir.

Caite fomuine cach feoit o bic co mor i fraorfrathuib? A trian cach foit ifri a fomuini co cenn mbliadna.

Caite fomuine, .i. caide in fomuine biata ocus mancuine dligter la cach fet o bec in rata co mor in rata if na feta fraoru. Ifraorfrathuib, .i. nochun ar faifse na hicta (no nochun aisse, .i. domaithiuh ler, .i. a lind ocus a mbiad), cacha bliadna, acht co foar cuit cacha bliadna, fri tecmuirin imrair, .i. no a riaghail frisi tecmuirin in etarscarta ocus iarfrani conicta amluid, .i. cutrumur a trin cacha bliadna ifri a fomuine, fe fresceirin imrair, no cutrumur trin in ratha uada forbad na cet bliadna, hi lind ocus a mbiud, mar and do rala imrair.

Ar teora mbliadna dorli fet a muin araile.

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THE 'CAIN'-LAW OF 'SAER'-STOCK TENURE BEGINS DOWN HERE.

'CAIN'-LAW of 'saer'-stock tenure—why so called? What is the worst of the law of 'saer'-stock tenure? Manual labour and full homage. 'SAER'-STOCK TENURE.

The 'Cain'-law of 'saer'-stock tenure, i.e. the rule of the 'saer'-stock tenure is that of which we treat down here, i.e. without any pledge, but acknowledgment only. Why so called? i.e. why is it called or denominated the 'saer'-stock tenure? What is the worst? i.e. what is the worst thing for the tenant to whom the 'saer'-stock tenure is granted? The 'saer'-stock of the 'bo-aire'-chief, *i.e.* three cows, and three cows are the return at the end of three years, and should he (*the tenant*) abscond with them all, there shall be twelve cows *paid* after absconding, and sixteen cows and ten 'screpalls' and ten 'pinginns,' the price of their milk, with its addition, at the end of three years after absconding. Manual labour, i.e. a man *must go to the chief as part of* every return at *the time of* the erection of his 'dun'-fort, or of the reaping of his harvest, i.e. *he must help to build* the 'dun'-fort, or *he must go* on a military expedition with him, and he (*the chief*) does not contemplate any return in manual labour. And full homage, i.e. a man *is* always *given* to the chief with every return *that is paid* every third year, i.e. to do homage while he is sitting, i.e. *to make* three *homages* to him on every day, and if these be not made there is only double homage due, if he pleases.

What are the returns of each 'sed' from small to great in 'saer'-stock tenure? The third of every 'sed' is the return at the end of a year.

What are the returns? i.e. what are the returns of food and work due for every 'sed' from the small to the large stock in the free 'seds?' In 'saer'-stock tenure, i.e. there is no choice *with the tenant* as to the payment (or it is not *so called* because he (*the chief*) forgives it, i.e. the ale and the food), every year, but *it is the rule* that some should be obtained every year, with the alternative of separation, i.e. *in consequence* of the rule for the alternative of their separation and because it is so paid, i.e. as much as one-third every year is the return, if there be an expectation of separation, or a proportion equal to one-third of the stock is *to be paid* by him (*the tenant*) at the end of the first year, in ale and food, if they then happen to separate.

In three years he (*the chief*) is entitled to a 'sed' in addition to that already given.

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'Saer'-stock Tenure.

.i. ar teora bliadna tuillter no airilinither fet a cutruma fen lair a muin araile ar in uile etaid, .i. diabliud aithgina a feoit muna fritfognuither co fin anall, .i. cutrumu a fatha do dia tri bliadna; ocus ni cumuing biad do cuingid fremed, acht munu cuinngid a fath, .i. cutrumur trin in fatha, i llino ocus a mbiud ir in tres bliadain, ir é in fet atbeir funn.

Ar ocus lor ocus gearr iarfuidiu co cend teora mbliadan, iarmotha fecht mbliadna, muine airbiatar cuice in tuilled, acht aithgin cu diabul; ar ni indoth ned dia faile iarmoth fecht mbliadna, ar ir iubaile aitiden fairi in fain. Oilfigthur fomain a fet, acht aithgin.

Ar ocus lor, .i. in forbairt no lor, .i. na laoig, .i. na colna, .i. in tuar, .i. munur umal in ceile ir ann tét fairfium on, .i. lairin letgabail diabalta, ocus a bunad for fuilled in bid, mad mó lair ina diabliud fo cetoir. Eloid elaither flaith funn i mbiad co cenn tri mbliadan, ocus ni elaither im aithgin in bid. In biad iarum for fuilled, ocus lor ocus gearr co cenn tri mbliadan, lairinni ima elaither. Iarfuidiu co cend teora mbliadan, .i. iarfa ni adirin, .i. in tan bis for eloid fo, .i. ar na tri bliadna deidinacha, .i. fuilled cona fuillium andis iar tri bliadna .i. mun érnit .iii. Ite fecht mbliadna famluid cum primo annod, .i. mun érnit co fecht mbliadna, .i. isin fechtmad bliadain. mbliadna .i. muna degnar in tuaral biathad conuici. .i. mad ann acartar, bethid biad na tri cet mbliadan ocus biad na bliadna i nacair; no dono ir biad na fecht mbliadan beisir ocus biad na bliadna a nacair beos, .i. in bunad ocus a coibeis lair, frisnaith na tri mbliadan taifech fo leic a faill, ocus flaith follusigther ir urrad, ocus frisnaith na bliadna a cuinnse, no in fechtmad bliadain, .i. diabliad naithgina, no ir aithgin ocus diabliad dlegur ann; fresna do lor, ocus drar, ocus do gearr, ocus daithgin in fatha ocus diabliad, ocus cuit na bliadna ina cuinnser, .i. biad na bliadna i netsurcairt, mad dlegur e ina. Ar ni indoth ned dia faile, .i. ar nocho taibir ned in lor da ceili iarum a haithle na fecht mbliadan, no co bi nech ir ceile fomun elitir eloid ar in

Sic.

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'Saer'-stock Tenure.

That is, in three years is deserved or merited by him a 'sed' of its own value in addition to the other for the entirety, i.e. double the restitution of his 'sed,' unless any return has been made up to that time, i.e. a quantity equal to his stock *originally given* is *to be returned* to him (*the chief*) after three years; and he (*the chief*) cannot demand food previously, unless he demands his stock, i.e. a proportion equal *in value* to one-third of the stock, in ale and food in the third year, is the 'sed' here mentioned.

The growth and increase and milk afterwards to the end of three years, and until the end of seven years, unless the addition be paid to him, except restitution with double; for no one pays increase to another after seven years, for that is the period of *the obligation* arising from the receipt of 'saer-*stock*.' The return of his 'sed' is forfeited, except the restitution.

The growth and increase, i.e. the addition or the increase, i.e. the calves, i.e. the bodies, i.e. the manure, i.e. unless the tenant is obedient this will come upon him, i.e. with the double half-seizure, and the original *stock* with the addition of the food, if it be greater to him than the double at once. The chief may be evaded here as to the food *due* to the end of the three years, but he may not be evaded as to the restitution of the food. The food shall afterwards *in case of evasion* be at interest, and increase and milk, to the end of three years, *shall be added* to the thing respecting which the evasion was made. Afterwards to the end of three years, i.e. after that time, i.e. this is when he (*the tenant*) has absconded, i.e. during the last three years, i.e. interest with the interest of both during the *other* three years, i.e. unless they pay three *years*. These are seven years including the first year, i.e. unless they pay for seven years, i.e. in the seventh year. Years, i.e. unless the noble food has been rendered until then, i.e. if it be in this *year* it is demanded, he (*the chief*) shall obtain the food of the three first years and the food of the year in which it is demanded; or else he obtains the food of the seven years and the food of the year in which he demands it besides, i.e. the original *stock* and as much more in addition, *and* the services of the three first years which were neglected *are to be rendered*, the chief who was neglected being a native, together with the service of the year in which *payment* is demanded, or the seventh year, i.e. double restitution, or restitution and double, are then due; and *the tenant is* to answer for the increase, the growth, and the milk, and for restitution of the stock and double, together with the portion *due* for the year in which they are demanded, i.e. the food of the year in which they separate, if it be due. For no one pays increase to another, i.e. for no one gives the increase to the other after the term of seven years, until the tenant who is sued for the absconding is

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'Saer'-stock Tenure.

uileadhe, cona diabhal nad acht aithgin. Secht mbliadhna, .i. ar ir ae fo ail, .i. iubaile thaorphatha inn fo. Aitiden fairi, .i. ar ir dilmuine ta faor ann fin tuilleth aitidin dorum, condilfigann fomuine a fet. Acht aithgin, .i. aithgin in neich fo fetfutsu corpuici fin; ocus damad arad ocus throscad do gnithi, do beitir cuic feoit, ocus eneclann, ocus diabhal fiach do, ar are re n-iubaili; ar in faer in ceili dia roibe in aiten cin acra, muna leicthi a eloi, mad figneret imthanu feime fin.

Cach ní dib fin fo fetfutsu fria narad ocus fria throscad, ir a diabhal do fet ann iar narad ocus iar throscad. Cach ní dib fin fo fetfutsu iar narad ocus throscad ir cert aitghin dic ann.

Ifeth ir aithgin ann arithi, in frith fein ocus in cet biad fo fet fir. Thrian log enech ar airitin in thaorphatha, ocus lan log enech in frith, ocus irfeth dlegur cuthumuth a thrin leir cacha bliadna do biud, re fheisin imthanu, con a cinn thi mbliadan fo foich a cuthumu leir; ocus cin co tucthi ni ano itir cu cend thi mbliadan, acht co torru ni ano fin a cuthuma, nochon fuil ni ann munu leicthe eloi ime, ocus da leicthe, ir diabhal cach neic uma leicfithe eloi. Munu torru ni ann itir i cinn thi mbliadan, fuilleth beo dilgi do frith fir in frith o fin amach, uair ir ar fuithirius beo dilgi arar o fein.

Da fuilleth fir in cet fuilleth, ocus fuilleth fir in tanuisi ocus in thres fuilleth, can ni, ocus fuilleth fuilliuth in fuilleda; da fuilleth fir in cet fuilleth in fuilleth reithur ar in cet bliadain. Fuilleth do fet leithe ar in mbliadain medonuigh, ocus fuilleth ar in mbliadain nderbnaigh. Fuilleth fir in tanuisi in fuilleth fetha ar in mbliadain tanuisi; fuilleth do fet leithe ar in mbliadain nderbnuigh, ocus in thres fuilleth gan ni fuilleth na bliadna derbnuigh. Fuilleth fuilleda in fuilleda in fuilleth fetha fir in mbiad ar in cet bledain. Fuilleth do reith re fuilleth fithe ar in mbliadain medonuigh, ocus fuilleth do reith re fuilleth fithe ar in mbledain derbnuigh.

Ar, ocus lor, ocus gert do fet re coluinn in fratha re re na

[1] *Growth*, 'as,' i.e. of flesh, &c.; increase, 'los,' the multiplication of the young.

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amenable for the entirety, he renders not double but restitution. Seven years, i.e. this is the legal period of the 'saer'-stock tenure. *Obligation* arising from the receipt of 'saer'-stock, i.e. for this is free forgiveness for additional receipt of *stock* from him (*the chief*), so that he forfeits the return of his 'seds.' Except the restitution, i.e. restitution of what has accumulated up to that time; and if notice had been served and fasting performed, there would be five 'seds,' and honor-price, and double the debt *due* to him, for it is within the legal period; for the tenant is free if there had been acknowledgment without demanding, unless he (*the tenant*) had absconded, if they had separated previously.

'SAER'-STOCK TENURE.

As regards every thing of these which became due before notice and fasting, its double shall be due after notice and fasting. For every thing of these which was due after notice and fasting legal restitution is to be paid.

Restitution means, first, the stock itself and the first food that became due with it. One-third honor-price on receiving the 'saer'-stock, and full honor-price is the stock, and it is lawful to add to it as much as one-third of the value of it in food every year, in the expectation of separation, until at the end of three years it amounts to the full; and although nothing at all may have been given *in return* for it till the end of three years, provided it be then given in full, there is no fine for it (*the delay of payment*) unless *payment* had been evaded, and if it had, the double of every thing evaded shall be *paid*. If nothing at all has been given in return at the end of three years, an interest of live cattle shall accumulate upon the stock from that out, for it is in consequence of *the stock* being live cattle that it grows *in value* from that out.

Two additions to the first addition, and one addition to the second and third additions, without any thing *being paid*, and addition to the additional addition; two additions to the first addition is the interest which accumulates in the first year. Addition shall accumulate with this in the middle year, and addition in the last year. Addition to the second is the addition which accumulates in the second year; addition shall accumulate with this in the last year, and the third addition without any thing *being paid* is the addition of the last year. Addition upon the additional addition is the addition which shall accumulate with the food in the first year. Addition shall accumulate with that addition in the middle year, and addition shall accumulate with that addition in the last year.

Growth, and increase, and milk, accumulate with the original of the stock during the term of the same three years; the growth[1]

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'Saer'-stock Tenure.

tri mbleodan cetna; ar na colla, ocus lor na laog, ocus gert in tuar.

Screpall ar miarlach lulug ocus daim friata co cend mbliadna; tri cetramuna fcripuill ar miarlach bo indlaig ocus daiin anriata; let fcripull ar miarlach cacha bo (no cacha mil) ir tarb tuar o fin amach; ocus ni fuil ni ir mo na fin muna leicther eloo uimpi fin, ocus da leicter, ir diabluo cach neich ima leicther in teloo.

Ata coboduil for fiadh, ocus for fiadhuib, .i. flaith na dlig acht im ocus fil ocus beo cethfiadh.

Sic.

Ata coboduil, .i. ata comdeilig ar na flaith do berait na fiada, uair ir faine eneclann cach griaid, .i. deochair etarru. Flaith na dlig acht im, .i. in bo airle medonach fo gabustha fiadh on bo airle ir ferr ann fo, .i. tri ba ceithri fcripull fichet ann, ar ceithri miachaid fichet bracha cin cruadog, ocus ceithri fcripull fichet eile ar tri maitnid; ocus ceithri fcripull fichet eili acad iar fin, act fcripull dec dib ar. c mucaib beoa, ocus tri fcripull ar tri miachaib cruithnechta, ocus tri fcripull ar im; gurub log teora mbo ann fo uili i cinn teora mbliadan; ocus fo beir fiad co triun do, munu beitir fect ndaoirceili aice ar tus.

Flaith athuig na bid flaith a athair.

.i. in flaith aithaig adberad funn, .i. ni flaith a athair na a senathair for in cenel fin, .i. airle itir da airle. Sect ndaoirceili lair arcus friaru do bera teora bu do boairle a fiadh; conid airi dligid log a teora bu i cinn teora mbliadan, .i. teora ba carna, ocus ceithre meich fichet do fil brach, log bo trelaoige, ocus fé mucaib beoa, ocus im tri fcripuill, co teoru mucaib dib gurubut friu tri tinne, log bo eile, conid é log teora mbo ninich indfin i cinn teora mbliadan; tri meich do fil ocus a tri do cruaid cruithnechta.

In flaith medonach imurro, tri bo corcarta ocus fect muca co fal, a ceithri dib for tri tinne, ocus ceithri meich fichet do

[1] *Four.* In C. 688 the reading is 'ui' six live pigs.

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'Saer'-stock Tenure.

of the bodies, and the increase of the calves, and the milk of the 'tuar'-fold.

A 'screpall' *is to be paid* for the dung of a milch cow and of a ploughing ox to the end of a year; three-quarters of a 'screpall' for the dung of an in-calf cow and a non-ploughing ox; half a 'screpall' for the dung of every cow (or of every animal) whose manure is valuable from that out; and there shall be no more than this unless absconding has taken place respecting them, and if it has it (*the payment*) shall be double of every thing respecting which the absconding took place.

There is a distinction of stock, and of chiefs, i.e. a chief who is entitled only to butter and seed and live cattle.

There is a distinction, i.e. there is a distinction of the chiefs who give the stock, for the honor-price of each grade is different, i.e. there is a difference between them. A chief who is entitled only to butter, i.e. the middle 'bo-aire'-chief who received stock from the highest 'bo-aire'-chief is here *referred to*, i.e. three cows, of twenty-four 'screpalls' *value, are given* for twenty-four sacks of undried malt, and twenty-four other 'screpalls' for three beeves; after which twenty-four other 'screpalls' remain to them, of which eighteen 'screpalls' are for four[1] live pigs, and three 'screpalls' for three sacks of wheat, and three 'screpalls' for butter; all which amount to the price of three cows at the end of three years; and he shall have fine to *the amount of* one-third, unless he had seven 'daer'-stock tenants first.

An inferior chief whose father was not a chief.

That is, the inferior chief is here mentioned, i.e. neither his father nor his grandfather was a chief of that race, i.e. the 'aire-iter-da-aire'-chief. He should have seven 'daer'-stock tenants before he could give three cows to the 'bo-aire'-chief as stock; wherefore he is entitled to the price of his three cows at the end of three years, i.e. three fat cows, and twenty-four sacks of grain malt, the price of a cow after calving, and six live pigs, and butter *to the value* of three 'screpalls,' three pigs of which are worth three salted pigs, the price of another cow, all which amount to the price of three perfect cows at the end of three years; three sacks of seed and three of *kiln*-dried wheat.

But the middle chief gets three slaughtered cows and seven pigs with salt, of which four are worth three salted pigs, and twenty-four sacks of dried malt, and three of wheat; and though it is the

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'Sale' stock Tenure.

bpaith cpuaid, ocus a tpi cpuithnechta; ocus cid moaite don flaith athuig fomuinn, na maipt bi do tabaipt do ocus a feichaba umpu, ip ap innoligeb do berap do iat anuplaim, co na ngapp ocus co na ninnglan, uair noch roibe flaith da fine act fe a aonup.

Oligthigi in flaith feo imuppo a aithaip do beith ina flaith, ocus aillin lair in ugdap a biad do can inglan ina lenmain ipé uplaim, cema cemad lugu he ina tabaipt ipe inglan anuplaim, amaip do berap don flaith aithaig fomuind, ce fo beitip a feichidi umpu do imapcpaid do.

Sic.

Flaith coplma ocus fallcapna bpuithe.

Sic. .i. cenel flatha dligtig eipein do fein.

Cid fo dera cona mo don flaith ann na do flaith ciniuil tectha, oip mo leip na feichida do bpeit do impopcpaid? Ip e in fad fo dera, mo donoip leipium in cutpumu fin do biud uplaim don flaith ciniuil techta na cutpuma a flatha do biud anuplaim do tabuipt don flaith aithaig, ce no bepcha na feicda do diumpopcpaid.

Flaith deplgcapna ocus faill cenn tpailliud.

.i. in bpait ocus na maipt on mud cetna; na cethpi fcpupaill fichet filit ann, fcpepaill ap fichet dib ap fect mucaib maphda cen tpailliud, ocus tpi fcpupaill ap tpi miachuib cpuithnechta, ap ni uil im don fip fin.

Flaith ciniuil coip athup ocus fenadup eipide dligep fiapa la uptechta olcenu. Ni dlig flaith faepfaith, na cuitpig, copp ecop felba.

Flaith ciniuil coip, .i. i mbpeit bepthup a fiap dia tig, .i. lin a daime. La uptechta, .i. la uapal dligid uile cena; i mbpeit a

[1] *According to*——. Text defective here.

[2] *To the chief.* The words 'to the chief' are an aliter reading by another hand, inserted over the original words 'don faith,' 'to the prophet,' which was most probably a mistake of the scribe for the words 'don flaith,' 'to the chief.'

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more profitable for the inferior chief whom we have mentioned before, to give him the live beeves, in consequence of having their hides, it is illegal to give them to him unprepared, with their filth and ordure, for there had been no chief of his family except himself alone. 'Saer'-stock Tenure.

A chief is thought more highly of by the law if his father has been a chief *before him*, and the author *of the law* thought it more becoming to give him his food prepared, without the stercoratious impurities being attached to it, though it is less *in value* than when given uncleaned and unprepared, as it is given to the inferior chieftain before mentioned, though their hides are over and above given to him.

A chief is *entitled to* ale and boiled salt meat.

That is, he is a kind of lawful chief according to ——[1]

What is the reason that there is more *given* to the *inferior* chief than to the chief of legitimate family, for he obtains the hides as excess? The reason of this is, he (*the author of the law*) deems it more honourable *to give* this quantity of food prepared to the chief[2] of legitimate family than to give the amount of his stock in unprepared food to the inferior chief, though the hides are given him as excess.

A chief is *entitled to* red meat and fat without being salted.

That is, the malt and the beeves in the same manner *as before;* of the twenty-four 'screpalls' which are there *mentioned*, twenty-one are for seven slaughtered pigs without being salted, and three 'screpalls' for three sacks of wheat, for no butter is due to this man.

The chief of true family by father and grandfather is entitled to returns with all noble rights in general. Neither the chief who has given 'saer'-stock, nor *the chief* who has taken third security, is entitled to a return of cattle.

The chief of true family, i.e. his due is to be brought to his house, i.e. *according to* the number of his party. With all noble rights, i.e. with all other noble dues in like manner; his food is to be brought to him to his house, or

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'Saer'-stock Tenure.

bid do da tig, no is da caithem tigfas, .i. na deoruid fiadha, no na lubra fiadha, ocus fresfa do daorfad. Ni dlig flaith faefraith, .i. in flaith cuitrig cid caoch, cid let colpach tairfaigther a feoit is a tabuirt fein do; ocus muna tairtchar nochan fuil nad ni do.

In flaith ḟraoḟradha imurro, cia tairfaigther cin gu tairfaigther a feoit, is aithgin feib fo fadta nama dic fis. No dono, act ma mairit, is airic amuil mairiur cid deoluid e. Munu mairenn, is aithgin feib fo fadta, .i. is i comairim fil eturru, cid bet do biud fo caithugud in flaith, a dilfi do, ocus is dilef don ceili lor ocus af ocus gert na aḟaid fin; ocus aithgin a fadha daisic don flaith faoḟradh.

In flaith cuitrig; cid bet do biud fo caithugud a dilfi do, ocus is dilus don ceile lor ocus af ocus gert, ocus do neoch fo caided do coluinn in fadha fein, na aḟaid fin; act airic i neich mairis don fad. Ocus ni e in ceili fein fo cait funn in fad, air diamad he fein fo caided, foaisce cebda uad in fad. No is e comairim fuil itir flaith faoḟradh ocus a ceile, act mad maire a fad, is airic amuil mairiur cid deoluid é; munu mairenn, is aithgin feib fo fad. A flaith cuitrig imurro, act ma maire a fad fodec is airic do; muna mairenn ni de itir, nocha nicthur nad ni fis; uair a deir, mad fo fuair ni dia feta.

Acht airer enech fuice de fadeirin.

.i. cumal enech gnim no ened fuici nama, .i. ar fedmad eneclainne do i fogail lain do denum re faor ceile, ocus a fedmad fide ina mac, dia nombe ni itir; ocus nocho dligter

[1] *Work.* L. in the MS. has been lengthened on conjecture to 'lubra' work.

[2] '*Colpach*'-*heifer.* The Irish for this in MS. is 'caoch,' 'blind,' which would appear from the context to be a clerical error for 'colpach,' a heifer. Dr. O'Donovan translated as if the latter were the true reading.

[3] *Sede.* Text defective here.

[4] '*Airer*'-*fine.* *Vide* note, p. 126, *supra.*

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'SAER'-STOCK TENURE

he will come to consume it *at the tenant's house*, i.e. these are the stranger rents, or the work[1] rents, and it corresponds with 'daer'-stock tenure. Neither the chief who gave 'saer'-stock *nor the chief who has taken third security*, i.e. if the chief who has taken third security seizes his 'sed,' whether it be a 'colpach'-heifer,[2] or half 'colpach'-heifer, he must have the very 'sed' itself; but if he does not seize it, there is nothing for him.

But the chief who gave 'saer'-stock, whether he seizes or does not seize his 'sed,' shall have restitution paid to him accordingly as he gave the stock. But, however, if it be living it shall be given as it is, be it ever so despicable. If it be not living, restitution shall be made *in cattle in the same condition* as he gave the stock, i.e. the account that is between them is, whatever portion of food the chief had consumed—it is his right—and the tenant shall have the increase the growth and the milk as a balance against this; and the restitution of his stock is to be made to the chief who gave 'saer'-stock.

As to the chief who took third security; whatever portion of food he has consumed it shall be considered as his right, and the tenant is entitled to the increase the growth and the milk, and to whatever was consumed of the original stock itself, as a counterbalance to this; but the part of the stock that is living shall be returned. It was not the tenant himself that had consumed the stock here, for if it were he himself that had consumed it, the stock would not be returned by him. Or the reckoning which is between the chief who gave 'saer'-stock and his tenant is, if the stock is living, it is to be restored as it lives, be it ever so ill-conditioned; if it be not living, restitution must be made as it was given as stock. But the chief who has taken third security, if his cattle be living, shall be repaid; if no part of them be living, nothing shall be paid to him; for it (*the law*) says—"If he has found no part of his 'seds'——[3]

Except the 'airer'-fine[4] of 'enechruice' from himself.

That is, the 'cumhal' of blush-fine or 'enechruice' only, i.e. because he has the seventh of honor-price for committing full trespass (*injury*) against his 'saer'-*stock* tenant, and the seventh for *injuring* his son, if there be anything; and nothing else is due for injuring him, i.e. or the seventh of honor-price for the killing of his

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'Saer'-stock Tenure.

ni eile i fogail do denum fis, .i. no fechtmad eneclainni i marbad a faorceile, no na cloig-bais, no a mac a daorceili, ocus nocha dligter ni i fogail aili do denum, .i. airer fon do marbad a ceile, ar is enech fuice do mad eneclann dligther ind (no, ní eneclann dligiur inn).

Ni dlig meith la biad, na dartad ceilsine for ceile; mad fcith lais, ocus is meisech athcus cidr cum so cana.

Ni dlig meith, .i. nocha dligid se fmachd meada do i maille re biad, .i. cumal, acht diablad. Na dartad ceilsine, .i. uair is cuimgech in ceili athchus in uair is ail leis, ocus nocha nsuil ni uad acht cutruma a trin gada bliadna no co dernius umscais. Mad fcith lais, .i. ma fcitad e oc in fognam, .i. mad trum lais no ma olcc. Is meisech athcus, .i. is cuimgech e a athcus cis cuin bes so cantanach leis.

Dia toisge in ceili daorsrath do airitin on flaith faorsrath, ocus ni etus on flaith fuilled fris in faorsrath, facaib in flaith trian ar tiumgais in tan sin. Muna toisce in ceili imurro, is dilet don flaith soga lāē dia fetaib.

Conic duine imscar se grad flada israorsrathuib co nathcus fais co fetu no gan fetu, ocus in daorsrad se re trisi, trian do na fecht mbeo fcailtaib; nocho cumuing ota re trisi amach, acht munub imscar a cobra fais, no munub ansoltad flada.

Conic duini imscar se si nechtrann do grer i faorsrad co n athchus fais co feotu no gan feotu; no dono, conic imscar se sig nechtrann se re trisi i faorsrathuib, ocus tulad tiagarnuis o sin amach; ocus i ndaorsrad se re trisi, trian do na fecht mbeofcailta, ocus nocha cumuing ota re trisi amach, acht amuil do denaig se sig udein.

[1] *Permanent injury*, i.e. a death maim, a maim which does not cause death, but which remains until death.

[2] *Height of chieftainship*, i.e. where the external chief becomes a man's natural chief by length of time, after the reign of three successive chiefs. If the vassal remained

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'saer'-*stock* tenant, or for inflicting upon him a permanent injury,[1] or *for killing* the son of his 'daer'-*stock* tenant, and nothing is due for inflicting any other injury, i.e. he has insult-fine here for the killing of his tenant, for he shall have 'enechruice' if he is entitled to honor-price for it, or he is not entitled to honor-price for it. 'SAER'-STOCK TENURE.

He (*the chief*) is not entitled to fine and food, nor to refasten the tenancy upon the tenant; if he be weary of it, he (*the tenant*) can return *the stock* when he pleases.

He is not entitled to fine, i.e. he is not entitled to fine for failure along with the food, i.e. a 'cumhal,' but *he is to pay* double. Nor to refasten the tenancy, i.e. because the tenant can return *the stock* whenever he likes, and there is nothing due of him except the proportion of his third every year until they separate. If he be weary of it, i.e. if he be weary of the service, i.e. if he deem it oppressive or bad. He can return, i.e. he is able to return *the stock* whenever it is pleasing to him.

If the tenant offers to take 'daer'-stock tenancy from the chief *who gave* 'saer'-stock, and that addition to the 'saer'-stock cannot be got from the chief, the chief then leaves one-third for recalling. If, however, the tenant has not offered *to do so*, the chief may lawfully have his choice of the 'seds.'

A man can separate from one of the chieftain grade in 'saer'-stock tenure by returning the 'saer'-stock with or without 'seds,' and in 'daer'-stock tenure during the lives of three persons, being the third of the seven life separations; *but* he cannot after the expiration of the life of three persons, unless it be separation *resulting* from desire of *changing* to 'saer'-stock tenure, or when the chief is indigent.

A man can separate from an external king at all times in 'saer'-stock tenure by returning the 'saer'-stock with 'seds' or without 'seds;' or, indeed, he can separate from an external king during the life of three persons (*kings*) in 'saer'-stock tenure, and it is height of chieftainship[2] from that out; and in 'daer'-stock tenure *he can separate* within the life of three persons, being the third of the three life separations, but he cannot after the death of three persons, except as he could from his own king.

in the external territory by consent of his own natural chief during the reigns of three chiefs of the external territory, be that long or short, he shall be ever after considered as the tenant of the chiefs of the external territory. *Vide* C. 1006.

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'Saer'-stock Tenure.

Nocha cumuing duini imscar re rig budein do greg ir raorrrach, .i. a graduib flatha fein amuil a rig fein; ocus nocha cumuing cid i ndaorrrach act munub imscar a cobrai fairi, no munub anfoltach flatha. Ocus ir cet for funn co mbet umscar do duini re rig nectrann do greg irrairrachuib.

Conic duini cin daorrrach do gabail o duini do greg act munub ail do budein; ocus connic cid in raorrrach do gabail act o rig budein; ocus nocha cumuing ce raorrrach do gabail o ri fadein. Connic in flaith umscar i raorrrach do greg, cid re deichbirrur cid re innderbirrur; ocus connic in ceile on mud cetna co nachchus raoiri co reotu no gin reotu. Ocus ir ann ir achchus fairi co reotu no gin reotu, in tan ir e in grad flatha ir nesa do frat in frat da ceile, achcuirrdeic co reotu, ocus achcuired comarba for comarba gin reotu; no ir and ata in tachchus fairi co reotu, in tan ata in flaith ocus in ceile i mbechaid, no ata ind arrude ocus ir marbad arraile. Ir ann ata in tachchus fairi gin reotu, in tan ir marb an dir, ocus ir on flaith ir nesa ro gabustus frat.

Mara flaith dar aile ro gabustus frat nocha biad achcus fairi gin reotu ann, co ro achcuire comarba for comurba.

Mar on flaith ir nesa do frde ro gab, ir ua for ua, no indua for indua, no iarmo for iarmo, ocus in lin gradaid bir itir in ti do bein in frath ocus in ti dia tabuir, ocus ir e in lin coibdelach aceras in frath gin reotu faorrrach frin; no conach caomnaigtea in tfaire tachchus; ocus nocon i achcuirther act in daire cideir frin.

Gne eile.

Ir riu ata in cain tfaorrroth reo re rig nectrann, re gradaid flatha nectrannus, ocus re gradaid flatha fein; no dono, ir re gradaid flatha nectrann nama, ocus a gradaid flatha fein amuil a rig fein. Conic imscar re ri nectrann, ocus re gradaid flatha nectrand, ocus re gradaid flatha fein do greg i fairrrach, con achchus fairre co reotu no gin reotu; no dono, connic imscar

[1] *Another version.* The words Gne eile, 'another version,' are inserted from the margin of the MS.

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'SAER'-STOCK TENURE.

A man can never separate from his own king in 'saer'-stock tenure, i.e. *he cannot separate* from his own chiefs *except* as *he could* from his own king; and he cannot *separate* even in 'daer'-stock tenure unless he separates from a desire of *changing to* 'saer-stock' tenure, or unless the chief is indigent. And here the opinion *of lawyers* is, that a man can at all times separate from an external king in 'saer'-stock tenure.

A man need never accept of 'daer'-stock tenure from any other unless he likes it himself; and he need not accept even of 'saer'-stock tenure *from any* but his own king; and he cannot refuse taking 'saer'-stock tenure from his own king. The chief can always take away[a] his 'saer'-stock whether with or without necessity; and the tenant can, in like manner, return the 'saer'-stock with 'seds' or without 'seds.' Returning of the 'saer'-stock with 'seds' or without 'seds,' means when it is *a chief of* the nearest chieftain grade that had given the stock to the tenant, who returned it with 'seds,' but the one heir transmitted it to the other without 'seds;' or the returning of the 'saer'-stock without 'seds,' is when the chief and the tenant are *both* living, or one of them is *living* and the other dead. The returning of the 'saer'-stock without 'seds,' is when both are dead, and the stock had been received from the next chief.

[a] Ir. *separate in.*

If one chief has received stock from another there shall be no returning of the 'saer'-stock without 'seds' in that case, until one heir transmits to another.

If it is from the chief next to him *again* he has taken *it*, it is grandson upon grandson, or great-grandson upon great-grandson, or the son of a great-grandson upon the son of a great-grandson, and the number of degrees which are between the person who gave the stock and the person to whom it is given, is the number of relatives who shall claim the stock without 'seds' of 'saer'-stock; *or the cattle given in* 'saer'-stock cannot be returned; and it is not it that is returned here, but *the cattle given in* 'daer'-stock are what are here mentioned.

Another version.[1]

This rule of 'saer'-stock tenure is *applied* to an external king, *or* an external chief, or one's own chief; or, *according to some*, to an external chieftain only, for his (*the tenant's*) own chief is as his own king. He can always separate from an external king, and an external chieftain, and from his own chieftain, in 'saer'-stock tenure, by returning *the cattle given in* 'saer'-stock with 'seds' or without

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'Saer'-stock Tenure.

re ri nechtrann re re trir 1 rraorirath; ocus tulach tiagernair o rin amach re ri nechtrannur re re trir. 1 ndaorirath, trenı do na recht mbeorcairtha, ocus re grad flatha nechtrann re re trir 1 ndaorirath, trenı do na recht mbeorcairta. Nocho cuimgech imrcarad re ri udein do grer, 1 raorirath nach a ndaorirath, acht munir anroltach in flaith, no munir rcarad ar acobar raoiri. Cnd airi a grad flatha rein amuil a ri ren.

Cuin ata in tachtair raoiri co reotaib no gin reotu? Ir and ata gin reotu in inbuid ir comarba for comarba. Ir and ata co reotaib in inbuid ir reime rin.

Cia rur ata in cain traerirath de ride? Re grad flatha nechtrand.

Saoer don flaith, cir cun ro capa, rogad laime dia fecuib; ir mirech maine artaithur fri fommuine naiscendcha.

Saoer don flaith, .i. iraor don flaith cidb cuin bur cairtanech leir. Ir mirech, .i. ir cuimgech in flaith briathach a natha cuice, acht munub rur artar in ceile e re fomuine in daorirath co rir chinnti; no ir cuimgech flaith raorirath a nath do tabuirt cuici in tan bur ail leir, acht munub e frecrea in ceile tuillead diarigaid rur in raorirath gurub daorirath and do, ocus mare, irred dlegur tuillead do rir co rroibe daorirat and, ocus muna tuctur ir dilir a raorirath uad. Ocus flait echtrand rin, uair damad é a flaith udein noco dilir uada raorirath gin co tuca tuillead rur do; no dono cona bet andechtar cidbe flait.

Dia tarlar feoit tuiscluide, ir dilur ar fechtmbiadaib, mad in flait bur marb; munu tuctur feoit tuiscluidi, ir dilur ar tri biadaib iar necaib na flatha, o comurbu for comurbu. 1 cind tri mbliadan dlegur flaith raorirath cobeir a natha do taidecht do i mbiud, ocus munu ti andrideic, arr ocus lor ocus gert do dul na cend co ceann tri mbliadan eile, ocus ir e in gert hirin, forcepall ar miarlach bo moire no daim riata, co cend mbliadna, 7rl.

[1] *Successor.* That is, due by the successor of the tenant to the successor of the chief.

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'seds;' or else he can separate from an external king during the life of three persons in 'saer'-stock tenure; but from that time forth the external king has height of chieftainship *over the tenant* during the life of three persons. *He can*, in 'daer'-stock tenure, the third of the seven life-separations, *separate*, during the life of three persons, from an external *landlord* of chieftain grade, it being the third of the seven life-separations. He cannot separate from his own king at any time, either *while he holds by* 'saer'-stock tenure or by 'daer'-stock tenure, unless the chief be indigent, or unless he separates from a desire of *changing to* 'saer'-stock tenure. His own landlord of chieftain grade is *in the same position as* his own king.

'Saer'-stock Tenure.

When is the return of the 'saer'-stock with 'seds' or without 'seds'? *The return* without 'seds' is when it is *a case of* successor[1] upon successor. *The return* with 'seds' is when it (*the return*) occurs before that time.

With whom, therefore, is the Cain-Law of 'saer'-stock tenure? With an external *man of* chieftain grade.

The chief is free, whenever he pleases, to take away his 'seds'; he can *do so*, unless they are detained *in consequence* of definite rent *in food having been paid.*

The chief is free, i.e. it is free to the chief whenever he pleases *to do so*. He can, i.e. the chief is competent to take back to himself his stock, unless the tenant detains it definitely by the returns *due* in the 'daer'-stock tenure; or the chief of 'saer'-stock tenure is competent to take back to himself his stock whenever he likes, unless the answer of the tenant to him be, to ask an addition to the 'saer'-stock that it may become 'daer'-stock to him, and if it be so, he is entitled to this addition until it amounts to 'daer'-stock, and unless it is given he must return the 'saer'-stock. And this is *in the case of* an external chief, for if it were his own chief it would not be lawful to take his 'saer'-stock from him unless the addition be given to him; or, *according to others*, it matters not who the chief may be.

If the returnable 'seds' are given, they are forfeited for seven refections, if the chief be dead; if the returnable 'seds' are not given, they are forfeited for three refections after the death of the chief, from successor to successor. At the end of three years the chief who has given 'saer'-stock is entitled to receive the value of his stock in food, and unless this has been supplied, the growth increase and milk to the end of three other years, shall be added to it, and this milk, *&c.*, is *valued at* a screpall for the dung of a large cow or of a ploughing ox, to the end of a year, &c.

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'Saer'-stock Tenure.

Saoer don flaith cip cuin fo capu.

.i. mata in flaith a chuindchi a faoifratha, connic a breith, acht munub e frecra in ceile, tabuir tuilled fisin faoifrath co roibe daoifrath and; ocus isfed dlegur don flait a tuilled; uair is fochur do, ocus munu tucad, in frath do beith oc an ceile, no tuilled uadrum. Ocus fig echtrann sin, no a grad flatha fen, no grad flatha echtrand. Ocus da mad é a fig fein, nocha cumuing a faoifrath nach a daoifrath do breit do grer, acht munub anfoltach in ceile; ocus nochan fuilet beorcarta itir in ceile ocus a fi duthaig fein, acht munub innoligthech nechtair de, no munub cuinnci faoifrat a daoifrat. Dilsi a fratha don flaith in tan bus ail do insan, acht munub faoifrath a cuinngid daoifrat; ocus mad ed on, ni dilef, ocus dia fuca in flaith a frath annsein, is amuil tiumgaire ar diumann. Mad do berar daoifrat do, is tuilled fis in trian log enech and, ocus tuilled fis ar an frath co roibe frath amuil fo log ann; no dono cumad umscar do frein na mbeorcarta doib ar ceanu.

Saor do comarbuib na flatha ciar; uiar ni merech in flaith donsuppa a fertige.

Saor do comarbuib, .i. na comarbada do nurtreit ann, S.D. .i. a tefta dona frect mbliadna do ic; is ann nach diubairt doib umscarad; no do na frect mbliadnib, adeir lebur fe eile, .i. ar ai na tabarta do frat. Uiar ni merech in flaith, .i. ar nochu cuimgech in flaith diubtur na tirtuaisri ni is gairdi na ar frecht mbliadaib, no cuma cuimgeć in flaith condsuppa fé a tirtuaisri inni na fo caithertar in frath dona frect mbliadnib; no in ni do fo caithertar biad don frath. Ciamad ail fis sin an flaith a maitham don ceile fe bar, nocha cuimgeć he.

Dilis, acht diablad co na trian .s.

.i. ar in uiliataig uili, .i. acht aithgin cona diablad, co cutruma trin in fata hi linn ocus hi mbiud, .i. biad na frect mbliadan isin frechtmad bliadain, acht diablad naitgina, ocus frecra do los, ocus dar, ocus do gert, .i. is dilus in faoifrat a

[1] *A benefit to him.* That is, when the chief gives such an addition as converts the 'saer'-tenancy to 'daer'-tenancy, his returns (rents and services) are increased considerably, and the law assumes that he ought not to refuse this when the tenant is willing and formally requests to be made a 'daer'-tenant, paying rack-rent.

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'SAER'-STOCK TENURE.

The chief is free whenever he pleases.

That is, if the chief is seeking *to get back* his 'saer'-stock, he can get it, unless the answer of the tenant is, "Give an addition to the 'saer'-stock that it may become 'daer'-stock;" and then the chief is bound to give the addition; for it is a benefit to him,[1] and if he does not, the stock remains with the tenant, or he (*the chief*) gives the addition. And this is *in the case of* an extern king, or his own *landlord of* chieftain grade, or an extern *landlord of* chieftain grade. And if he be his own king, he can never take away either his 'saer'-stock or 'daer'-stock, unless the tenant is indigent; and there are no life-separations between the tenant and his own hereditary king, unless either of them act illegally,[a] or unless it be sought *to convert* 'saer'-stock tenure into 'daer'-stock tenure. His payments are due to the chief if he wishes to separate, unless where 'saer'-stock tenure is sought *to be converted* into 'daer'-stock tenure; but if it be so, *payment* is not due *to the chief*, and if the chief take away his stock in this case, it is like taking away with contempt. If 'daer'-stock be given him (*the tenant*), addition must be made to *the amount of* the third of the honor-price for it, and addition shall be made to the stock until it is complete; or they may separate after the manner of life-separations in general.

[a] Ir. *Be unlawful.*

It is free to the successors of the chief; for the chief is not competent to forgive the payment of what supplies his house.

It is free to successors, i.e. the successors who come after here, S. D., i.e. to pay *the dues for* what is wanting of the seven years—it is then not wrong to separate; or, as another book states, "*what is wanting* of the seven *payments of* food," i.e. on account of the stock which *the chief* gave. For the chief is not competent, i.e. for the chief has not the power to forgive the remnant for less than the seven foods, or the chief has the power to forgive the remnant which the stock had not consumed of the seven foods; or the part of the stock for which the food had not compensated. Even if the chief should wish to forgive it to the tenant before his death, he is not competent to do so.

Is forfeited, but double with a third.[2]

That is, for the whole altogether, i.e. except the restitution with its double, with the amount of the third of the stock in ale and in food, i.e. the food of the seven years *is to be paid* in the seventh year, except double restitution, and *the tenant is* to be answerable for

[2] *A third.* Text defective here.

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'Sake'-stock Tenure.

haithli na fecht mbliadan; no biad na tri cét bliadan, ocus aitgin in fata, .i. cutrumus a trian ler cacha bliadna i netusrcaruit, .i. biad na bliadna a ndenuit umscal is e diablad atbeir sund. Isfed is aitgin ann in fath ocus in biad fo feithusdus a forbad na tri mbliadan; ocus isfed is diablad ann na fecht fuilleda; isfed is trian and in biad na bliadna indentar in tiumscara.

Iar fechtmbliadna ma beith cen t. cen c.

.i. iarum isin fechtmad bliadan is ann is dilus he munu acar co forbad na fecht mbliadan, .i. iarum isin fechtmad bliadain ata biad na bliadna a netusrcaruit, no is and do fidnigfit imscar, no cid feme, munus ic é conuici sin.

Dilis acht cu muine coise, fath nathig do flaith.

.i. aithgin no dono is cutrumu a fata do dia teora bliadna, .i. is dilis in fat do beis in taitech don flaith acht co cutrumuiter cutrumu na maine do iar cae cois, .i. o do bera log a fatha do biud aonfecht, no o do genu a cutrumu do ler dala no aisfechta, a dilsi uad daidi indligid ais fat do tabuisit do grad flathu.

Fiach cutrum fat aithuig dia laile.

.i. in fath do beis in taitech graid feine da ceile; ocus faosfath ar aigid budein so, cin daesfath do tabaisit soime, .i. is e fiach ata on aithech da ceile, .i. cutrumus a trian leis cach tres bliadain im biud ocus im lind, .i. do beis in grad feine da ceile, .i. aithgin, ocus cuit na bliadna i nacar, ocus

[1] *Without T , without C . Text defective here.*

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'Saer'-stock Tenure.

the increase, the growth, and the milk, i.e. the 'saer'-stock is forfeited after the expiration of seven years; or the food of the three first years and the restitution of the stock, i.e. a quantity equal to one-third is *to be added* to it every year in which they separate, i.e. the food of the year in which they separate is the double which is here mentioned. "Restitution" means the stock and the food which had accumulated at the end of the three years; and "double" means the seven "additions;" and "the third" means the food of the year in which the separation is made.

After seven years if they be without T , without C .[1]

That is, afterwards in the seventh year it (*the return*) is forfeited unless it be claimed to the end of the seven years, i.e. afterwards in the seventh year the food of the year in which they separate *is to be paid*, or it is in it they separated, or even before it, if it had not been paid up to that time.

The stock of an inferior *given* to a chief is forfeited, so as just returns are made.

That is, restitution or else the equivalent of his stock is given him in three years, i.e. the stock which the inferior gives the chief is forfeited so as the return is proportioned after a proper manner, i.e. when once he (*the tenant*) has given him the value of his stock in food, or when he has performed its equivalent in service at the meeting or the court, it is forfeited by him (*the inferior*) to punish his illegality upon him for having given stock to *one of* the chieftain grade.

The stock *given* by one man of inferior rank to another *produces* proportionate debts.

That is, the stock which the man of inferior rank of the Feini grade gives to another; and this is 'saer'-stock on his own account, not having given 'daer'-stock previously, i.e. it is a debt which is due from one man of inferior rank to another, i.e. the equivalent of one-third *of the stock is to be added* to *the original stock* every third year in food and ale, i.e. *when one of* the Feini grade gives *stock* to another, i.e. restitution, and the portion *due* for the year in which it is claimed,

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'Saer'-stock Tenure.

bo la teora ba tia teora bliadna, uair ni tarid daerrad fria raorrath funn, ocus do rat tuas. Is airi ata lan biathu do.

Sic.

Cid fo dera fat conad ix. mbliadna fo foich cutrumus a fatha don flaith aithuig fed, ocus gusub ar tri bliadna cutrumus a fathu don flaith aithuig tuas? Is e in fat fo dera, daorrath fria raorrath fo gabad on flait atuig tuas, ocus dligid he, ocus coir cia mad gairdi in re ari foifed cutrumus a fata do, no don flait athuig fo, uair nochar gabad daerrad fria raorrath uada fesc, ocus indligid he; ocus coir ciamad friaiti in re ara foiri cutrumus a fata do, .i. na naoi mbliadna, uair ni fil act tri bliadna fomuind.

Gne eile. Caide deidbir etarru sin ocus in flait eile tuas gaca bliadna, co fuil cutrumus trin a fata do biud don flait athuig tuas gacha bliadna, ocus cona fuil don flaith athuig fo act cutrumus a trin cacha tres bliadna, .i. bo la tri bu, conad ar naoi mbliadna fo foich cutrumus a fata do? Is e in fat fo dera, daerrath fria raerrath tuc an duine tuas, ocus dligi he; ocus raorrad ar agaid udein tuc in duine fed.

Fuirtiu cach frath iar fir.

.i. is fo is maith fairitnigther cach frath iar na fir fo cétoir, .i. in frat do bein do micorad; frecrad do daorrath do bein fund, in tan atbein a artad in fata o beithe ina aitin, uair ni artaither in raorrad cin athchur.

Daerrath cach tochlu fech fine.

.i. daortar in cach do bein a frath i toetlod fech fine can a forcongrad doib fo cetóir; ocus gan bet i naiten iartain, act a fuaitred bud coir doib, iar mbet fera aice.

Cuir na raorceile ocus na ndaorceile, ocus na raerimanach,

[1] *Another version.* The Irish for these words is inserted from the margin of the MS.

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and a cow *as payment* for three cows *payable* in three years, for he does not give 'daer'-stock before 'saer'-stock here, but he did above (*in the case above referred to*). It is for this reason he has full food. 'SAER'-STOCK TENURE.

What is the reason that it is nine years it takes to give this inferior chief *here referred to* an equivalent for his stock, and only three years to give the inferior chief above *mentioned*, the equivalent of his stock? The reason is, that 'daer'-stock had been received before 'saer'-stock from the inferior chief above *mentioned*, and it was lawful, and it is just that the time should be shorter in which the equivalent of his stock should come to him, or to this inferior chief, for 'daer'-stock had not been received before 'saer'-stock from him, and it is not legal; and it is just that the time should be longer in which the equivalent of his stock should come to him, i.e. the nine years, for only three years are *allowed in the case* before mentioned.

Another version.[1] What is the difference between him and the other chief above *mentioned* as to every year, where the proportion of one-third of his stock is due in food to the inferior chief above *mentioned* every year, and that this inferior chief has but a proportion equivalent to one-third every third year, i.e. a cow *as payment* for three cows, so that it is in nine years the equivalent of his stock reaches him? The reason is, the man above had given 'daer'-stock before 'saer'-stock, and it was lawful; but this man gave 'saer'-stock on his own account.

Every *gift of* stock is to be acknowledged when known.

That is, rightly is every *gift of* stock acknowledged immediately after being known, i.e. the stock which one gives to an improper person; what he gives here corresponds with 'daer'-stock, when he gives what binds the stock after its being acknowledged, for the 'saer'-stock tenure is not rendered binding without payment.

Every evasion of the tribe *is punished in* 'daer'-stock tenure.

That is, every one is condemned who gives his stock in *secret* evasion of the tribe without giving them notice at once; and it would be right for them, after having received intelligence of it, not to remain in acquiescence of it afterwards, but to impugn it.

The contracts of the 'saer'-*stock* tenants, and of the 'daer'-*stock* tenants, and of the 'saer'-*stock* tenants of ecclesiastical lands, and of

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'Saer'-stock Tenure.

ocus na mic faoiléicte do fartad uili, gin cindiu do téct fuithib, acht giallna ocus maince; no ni ir len fine, ocus an diubairt uile, ocus in ni frecait a leas a cinn do freic friu fadein.

Gach cor dib taithmithen uile, ir ar ain, no threife, no cethruimde taidmithen. Aon fri taidmech cor na ceile iar fir; ocus threife fri taithmech cor na mac faoiliclde iar fir; ocus cuicde fri taithmech cor na faoimanach iar fir. Ma taithmech imurro a ndiubarta nama, ir inann ocus in fe fri taithmenn in cenn a ndiubarta fadein, .i. co ceithre uaire fichet, ocus co dechmaid.

Cuin imurro na nurrocraid ocus na mboi, itir fochur ocus dochur do taidmech uile fri fe mir iar fir; acht focur in mic guin, ocus na heircraide, cor filiur, cur, gril.

Ar ni hindud nech dia faile iarmotha.

.i. uair nocha denunn nech innud no inar da ceile tar in ni adurumur fomuinn iarum a haithli na féct mbliadan.

Ir amlaid fo fiagailtir in fad arigamaind, .i. teora ba tucda don boaire ina fad; co ndligenn teora ba bid leo dia teora mbliadan cen eloid impu. Co ndligenn da ba dec ann iar neloid.

Se fcripaill ir fiu in laid ann, ocus da fcripall ir fiu in laog, conad ceithi bai ar in laid in cet bliadain, ocus ceithi ba irrin mbliadain tanuire. Do ocus colpad odt fcripull, na ceithi mbo na ced bliadna, condat naoi mba famlad ocus colpad odt fcripull. Teora ba ocus da fcripull ocus di pingainn a fuilled na naoi mbo ocus na colpaige irin bliadain dedenaid. Cetheora ba na bliadna frin leo, condad fe ba dec ocus ded fcripuill ocus di pingind ar in laid conat fuilled. Scripull ar

[1] *Dishonesty*; i.e. cheating or over-reaching.

[2] *Sold to themselves.* The inhabitants of the territory of Corca Luighe could not sell any commodities without first offering them to the chief (O'Driscoll), who, if

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'Saer'-stock Tenure.

the emancipated sons, are all confirmed, the tribe not being able to impugn them, except as regards the return in service or manual labour; or that which belongs to the tribe *by innate right*, and as regards every dishonesty,[1] and whatever the chiefs require to be sold to themselves.[2]

As to every contract of all these which is dissolved, it is in one day, or three days, or four days they are dissolved. One day for dissolving the contracts of the tenants after knowledge *of them;* and three days for dissolving the contracts of the emancipated sons after knowledge *of them;* and five days for dissolving the contracts of the 'saer'-*stock* tenants of ecclesiastical lands after knowledge *of them.* If their dishonest contracts only are dissolved, the time is the same as that in which the chief dissolves their own dishonest contracts, i.e. in twenty-four hours, and in ten days.

Also all the contracts of proclaimed persons and of cottiers, both good and bad contracts are all dissolved within the term of one month after knowledge *thereof,* except the good contracts of the 'mac-gor,' and the *other* exceptions, 'cor'-filius, 'cor,' &c.

For no one gives increase to another afterwards.

That is, for no one renders increase or growth to another beyond the thing which we have said before after the seven years.

This is the manner in which the stock account is regulated, three cows are given by the 'boaire'-chief as stock; after three years he is entitled to three cows in addition to them, if no absconding has taken place regarding them. After absconding, however, he is entitled to twelve cows.

The milk is worth six 'screpalls,' and the calf is worth two 'screpalls,' so that the milk of the first year is worth four cows, and that of the second year four cows. A cow and a 'colpach'-heifer worth eight 'screpalls,' the four cows of the first year, *and the four cows of the second year,* amount to nine cows and a 'colpach'-heifer of *the value of* eight screpalls. Three cows and two 'screpalls,' and two 'pinginns' are the addition of the nine cows and of the 'colpach'-heifer in the last year. *Add* the four cows of that year to them, and the sum will be sixteen cows and ten 'screpalls' and two 'pinginns' for the milk with its addition. A 'screpall' *is allowed* for

he wanted them, might purchase them at a cheaper rate than any one else.—*Vide Miscellany of the Celtic Society,* p. 104.

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'Saer'-stock Tenure.

cach miaṙlach bo moiṙi, ocuṙ leṫṙcṙipall aṙ na hí ata luġa; da ṙcṙipull dec aṙ in ġeṙt iṙin cet bliaḋuin, ocuṙ da ṙcṙipull dec aiṙ iṙin bliaḋuin tanuiṙe, ocuṙ ceiṫṙi ṙcṙipuill fuilled na da ṙcṙipull dec na cet bliadna, conid bo ocuṙ ceiṫṙi ṙcṙipuill aṙe a fuilled iṙin mbliaḋuin deḋenuiġ. Colpaċ triin bo, ocuṙ ceiṫṙi pingine, tabaiṙ na ceiṫṙi pingine fṙiṙ in colpaiġ conid ramuiṙc; tabaiṙ da ṙcṙipull dec na bliadna deiḋinaiġ fṙiṙin ramuiṙc, conid bo, conit di ba ocuṙ ceiṫṙi pingine aṙ ġeṙt na moṙ innil.

Sic.

Iṙ ṙe ṙcṙepuill aṙ ġeṙt indaiḋ na cét bliaḋna, ocuṙ da ṙcṙipall dec iṙ in mbliaḋain tanaiṙi aṙ na daoine, conad deċ ṙcṙipuill. Iṙ e a fuilled iṙ in mbliaḋain deiḋinaiġ ṙcṙepull ocuṙ da pingin, conad bo ocuṙ da ṙcṙepall ocuṙ di pingin ocuṙ oċt ṙcṙipuill dec iṙ in mbliadain deḋenaiġ, conaḋ fiche ṙcṙepull ocuṙ di pingin ocuṙ bo. Tabuiṙ ceiṫṙi pingine ġeṙta na moṙ innille fṙiṙ na di pingine, con da ṙcṙepull; tabuiṙ da ṙcṙepull do ramuiṙce in innaiḋ cucaḋ, conaḋ ceiṫṙi ba in ġeṙta, aċt na da ṙcṙepull ṙo. Tabuiṙ na ceiṫṙi ba ṙo fṙiṙ na ṙe bu dec in lachta, conad fiche bo. Tṙi ṙcṙipull iṙ piu caċ daiṙt, ocuṙ ṙe ṙcṙipuill iṙ piu cach colpach, conad fiche bo ocuṙ ramaiṙc do taet do indugh. Tabuiṙ na deith mba ṙo fṙiṙ na di ba deġ na collaḋ, co na di ba fichit. Tabuiṙ ġuṙ in fichit remut. Tabuiṙ deċ ṙcṙipuill na ramuiṙce co fichit ṙcṙipull, ocuṙ co di pingin in innud, coni di ba ocuṙ da fichit, ocuṙ fiche ṙcṙipull, ocuṙ di pingin, iṙ i meit na haṙaġamaint ṙo uile.

[1] *Eighteen.* The Irish has ten 'screpalls' here, but the sense evidently requires that it should be eighteen.

[2] *Account.* Dr. O'Donovan observes—The word 'aragamant,' translated account, is not to be found in any Irish dictionary, nor has the word turned up any where else, except in C. 162, and O'D. 1990. It apparently signifies a full account or calculation of running debts. Is it the same as the Latin argumentum?

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'Saer'-stock Tenure.

the dung of every large cow, and a half a 'screpall' for that of every smaller one; twelve 'screpalls' for the milk in the first year, and twelve 'screpalls' for it in the second year, and four 'screpalls' the addition of the twelve 'screpalls' of the first year, so that the addition in the last year amounts to a cow and four 'screpalls.' A 'colpach'-heifer *of the value* of one-third of a cow and four 'pinginns' are, when put together, equal to a 'samhaisc'-heifer; add the twelve 'screpalls' of the last year to the 'samhaisc'-heifer, and they amount to a cow, so that there are two cows and four 'pinginns' for the milk of the great cattle.

Six 'screpalls' *are allowed* for the increased milk of the first year, and twelve 'screpalls' in the second year for the people, making eighteen[1] 'screpalls.' The addition in the last year is a 'screpall' and two 'pinginns,' making a cow and two 'screpalls' and two 'pinginns' and eighteen 'screpalls' in the last year, making twenty 'screpalls' and two 'pinginns' and a cow. Add four 'pinginns' for the milk of the large cattle to the two 'pinginns,' and they make two 'screpalls;' add the two 'screpalls' to the 'samhaisc'-heifer *given as* the increase to them, and they make four cows for the milk, excepting these two 'screpalls.' Add these four cows to the sixteen cows for the milk, and they make twenty cows. Three 'screpalls' is the value of every 'dairt'-heifer, and six 'screpalls' is the value of every 'colpach'-heifer, so that it is twenty cows and a 'samhaisc'-heifer that go for the increase. Add these ten cows to the twelve cows for the carcass, and they make twenty-two cows. Add these to the twenty before mentioned. Add the ten 'screpalls' for the 'samhaisc'-heifer to the twenty 'screpalls,' and two 'pinginns' for the increase, and they make forty-two cows, and twenty 'screpalls,' and two 'pinginns,' which is the amount of all this account.[2]

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incipit cain aigillne.

Cain Aigillne or Law of 'Daer'-stock Tenure.

Cain aigillne ocus giallnu.

.i. doerfrath, .i. frath ocus feoit tuircluide, .i. in biad no na feoit tuircluide, no na natomunnu ocus na fratha, .i. friagail do berur don ti ferin uga thogaide in giallna ocus gialla, .i. in celsine fein, .i. biathud ocus comnecet on cèli; no cain, .i. friagail, .i. can uga giallna ocus gialla, .i. o ro gab in fer feoit tuirilluide o alaile.

Sic.

Cid dogli? Nin. Seoit tuircluide, ocus tuircrec bera airceanna.

Cid dogli, .i. cid tuillid no airillnigniur itir don cele do ni in celsine? Seoit tuircluide, .i. ised tuillid in aigillne, .i. feoit do berur a cloatar in daerfrath, isi sin in aigillne. Tuircrec, .i. in crec toirichniuch do berur ar in mbiad uais daerfraith, co fir cinnti. In frath fein issi sin in giallna (.i. ise tuilliur in giallna).

Ina fir no i naisfir sine ata in frath so do gabail don èli, uair damad i naisfir doib no tiscuidis so na chosuib; ocus dama a fir dono, ciama mor in frath is ascuige forfrud.

Is a fir a met ocus isé so fil uil ann, .i. so fetutur frat do gabail, ocus ni fetutur cia met in fratha so gabad ann, cu fuilit ag triall triachana fui co na eb fastur in aitichud forfrud in frath so innisit liubuir; ocus in fognum so tar a ceann o na èlib.

Nocha nfaglaigiunn dligeb ar duine daerfrath do gabail o flaith fein, na o flaith echtrunn, na o ri fen, na o ri echtrunn,

[1] *Returnable* 'seds.' That is, cattle to be returned by the tenant when his term expires.

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'CAIN AIGILLNE' or Law of 'Daer'-stock tenure, and of tenure by 'giallna'-security.

'CAIN AIGILLNE' OR LAW OF 'DAER'-STOCK TENURE.

Cain Aigillne, i.e. 'daer'-stock tenure, i.e. stock and returnable 'seds,' i.e. the food or the returnable 'seds,' or the liens and the stock, i.e. a rule which is laid down for the person who has chosen the tenure by security and the securities, i.e. the tenancy itself, i.e. the food and the accompaniment *to be rendered* by the tenant. Or 'cain,' i.e. a rule, i.e. the rule of options in tenure by giallna-security ('uga giallna'), and of 'securities' ('gialla'), i.e. when one man has taken returnable[1] 'seds' from another.

To what does *the stock* entitle *a man?* Answer—Returnable 'seds' and the proportionate stock of food-rents in general.

To what does *the stock* entitle *a man*, i.e. what does it claim or gain for the tenant who performs tenant service? Returnable 'seds,' i.e. these are what the 'aigillne'-tenure claims, i.e. 'seds' which are given in 'daer'-stock tenure, to be returned, this is the 'aigillne'-tenure. Proportionate stock, i.e. the relieving-fee which is given for the noble food *due in* 'daer'-stock tenure, with perfect exactness. The stock itself is the 'giallna'-security (i.e. it is what the 'giallna'-security claims).

This stock is received by the tenant either with the knowledge or without the knowledge of the tribe, for if it was unknown to them *that he did so* they could impugn his contracts; but if it was with their knowledge, though the stock be ever so great it is fastened upon them.

When its amount is known this is the case, *i.e. it is fastened upon the tribe*, i.e. they know that *the* stock was received, and do not know the amount of the stock that was received, and they are going to oppose it to the extent of their acknowledgment, *in this case* there is fastened upon them that stock which the books mention; but service shall be rendered for it by the tenants.

The law does not require of a man to accept of 'daer'-stock tenure from his own chief, or from an extern chief, or from his own king, or from an external king; but the law requires of him to

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'Cain Aigillne' or Law of 'Daer'-stock Tenure.

ocus arluigi dligid fair faerfrath do gabail ó fí féin. Ocus nochn farluigiunn fair faerfrath do gabail o flaith fein ina o flaith echtrunn iná o fi echtrand. Ocus da ngabaid daerfrath cuthb o fi fein gabus. Can log einiuch fo fir ar airitin in daerfratha. Cid beg, cid mor in doerfrath, is egin log einiuch ar airitin.

Caitiat feoit tuichluide caich fo miad? Nin-Tri feoit da ogairig, tri fecht cumula do fuifrig, cethri fecht cumula do fi fuifriuch.

Do fuifrig, .i. do frig erund co freagabra fir, .i. fi lethe erund; no isin a fiath ar daerfrath o fi erunn, in tan bit gell erund ina thig; no dono is ina fetuib tuicluide. Cethri fecht cumula, .i. do frig erunn cin freagabra, ocus taifir do gab fride fiath o fi fomain; no cumud o comurba fadrund do beitha fiath do fi erunn, .i. in tan bit na hinbir fui, athcliath ocus fortlaige ocus luimniuch olcena, .i. ciat berar im fi fuifriuch funn, ni do tairbrin aigillne fair acht do fealladh log einiuch.

Caite tuicrec cacha bera o beg co mor, cinmotha fetu tuicluide?

Co mor, .i. biathad cethrair.

.i. caiti in crec toirithniuch do berar ar in mbiad uair (.i. in bo co na forgair) o bec mbid co mor, no o bec in fiatha co mor in fata.

Cinmotha fetu tuicluide, .i. cinmotha in fet do berar ar cloidatar in lan log einiuch, ar airitin in daer fiaith, uair mad erride nocha ned fiachur do ar airitin in faer fiaith, acht trian log einech.

Friam mbiad fo fir, ocus fmacht meatha frim bid inntu, .i. i met cacha bid dib, ocus atait na fobiadha isin cain aigillne big.

[1] *His own king.* If he is ever forced to take 'daer'-stock against his will, it is from his own king. He may take 'saer'-stock or 'daer'-stock from any one, if he pleases himself, and can get the consent of his family.

[2] *With opposition.* "Cum renitentia," i.e. the King of Erin when opposed.

[3] *Principal king.* Dr. O'Donovan observes that this statement about the stock given to the king was a mere fiction of law.

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take 'saer'-stock tenure from his own king. It does not require of him to take 'saer'-stock tenure from his own chief or from an extern chief, or from an external king. If he takes 'daer'-stock tenure it should be from his own king.[1] Full honor-price *is paid* down here on receipt of the 'daer'-stock. Whether the 'daer'-stock be small or large, honor-price should be *paid* on receipt of it.

What are the returnable 'seds' of every one according to his dignity? Answer—Three 'seds' *are given* to the 'ogaire'-chief, thrice seven 'cumhals' to the king, four times seven 'cumhals' to the principal king.

To the king, i.e. to the king of Erinn, with opposition[2] to him, i.e. the king of half Erinn; or this is for the stock, as in 'daer'-stock tenure, from the king of Erinn, when the hostages of Erinn are at his house; or else they are the same as returnable 'seds.' Four times seven 'cumhals,' i.e. to the king of Erin without opposition, for which (*being without opposition*) he received stock from the king of the Romans; or it was by the successor of Patrick the stock is given to the king of Erinn, i.e. when the seaports of Dublin and Waterford and Limerick, *and the seaports* in general are subject to him, i.e. although he (*the King of the Romans*, or *the successor of Patrick*) is supposed to give the stock to the principal king,[3] it is not to impose tenancy upon him, but to show honor-price.[4]

What is the proportionate stock of each 'food'-rent from small to large, besides the returnable 'seds'?

To large, i.e. the feeding of four.

That is, what is the relieving-fee which is given *as proportionate stock* for the noble food (i.e. the cow with its accompaniment), from little food to much, or from the small stock to the large stock.

Besides the returnable 'seds,' i.e. besides the 'seds' which are given to be returned as the full honor-price,[5] on receiving the stock in 'daer'-stock tenure, for if it be so this is not what will go to him on receiving the stock in 'saer'-stock tenure, but the third of honor-price.

The following are the chief foods, and the 'smacht'-fine for failing to render chief food *in each case of* them, i.e. for the failure of each food of them, and the inferior victuals are *set down* in the 'Cain

[1] *Honor-price.* In the margin here are the words 'Lepur Aedagain,' (the Book of Aedhagan,) indicating, no doubt, that this commentary was taken from that book.

[5] *Honor-price.* The 'seds' returnable were always equal to the honor-price of the person to whom they were given.

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Ocus gach biad dib fo adeir do tabuirt a famrud ir a tabuirt and; ocus gach biad dibh adeir an geimredo ir a tabuirt ann; ocus gach biadh na himmirinn do tabuirt i necus de dairithe ir a tabuirt isin ngeimriud; ocus dermbiredt fo ar na fathuib dlegur do na gradaib fo fir do gabail; ocus mad fo gabrat imurchuid fatha dar inni inniriur leabur, conneacur diachtuin fo corub ime amuil gach ndochur; no dono ciamad é in grad ir isle no gabad in fath ir mo, nocha nimdligtud do ma cunic a im fulung, ocus nocha tecus fo corub ime.

Teora ba ar molt cona foraib.

.i. fri epell a riu, .i. odt fatha fo, ocus cach ni bus erbadach don biud do berdar on éeile, cubus fechtmad bid.

Log einech cach ain ired a feota tuscluide.

.i. lan log einech o flaith cetgiallna, ocus trian log enech o flaith forgiallna, ocus nomad log einech o flaith cuitrid ar airitin fatha. Lan fath o flaith cetgiallna, ocus da trian fata o flaith forgiallna, ocus leat frat o flaith cuitrid. Lan biathad, ocus da trian mbiatad, ocus leith biathad doib. Lan fmacht ocus let fmacht ocus ceathriaime fmachta doib i met a mbid. Lan eneclann ocus let einecluinn ocus cetriime einecluinne doib i meath a mbid. Lan einecluid ocus let eineclann ocus trian neinecluinne doib a fodail lain re ceile; ocus nocho nfuil cuitrid na forgiallna a faorfiathaib.

[1] '*Cain Aigillne Beg.*' The Little Cain Aigillne.

[2] *Tenant.* In the margin of the MS., col. 200. .i. ni fuil faerfiath do gabail do neoch dia fuil flaith dib fo air. "No one who has any of these chiefs over him is to take 'saer'-stock."

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Agillne Beg.'[1] And every food of these which is mentioned as given in the summer must be given then (*i.e. in that season*); and every food of them which is mentioned *to be given* in the winter is to be given then; and every food which is not mentioned to be given in either of them (*the seasons*) in particular is to be given in the winter; and this is an illustration *of the fact* as regards the stocks which are due to the inferior grades down here; and if they (*the inferior grades*) have received excessive stock over and above what the book mentions, it (*the contract*) can be impugned like every other bad contract; or indeed if it be *a man of* the lower grade that received the greater stock, it is not unlawful for him *to do so* if he is able to bear it, and his contract respecting it is not impugned.

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Three cows for a wether, with its accompaniment.

That is, a 'screpall' is its value, i.e. this is eight stocks, and if any part is defective of the food which is rendered by the tenant, let one-seventh of the food be *the fine.*

The honor-price of every one is *equal to* his returnable 'seds.'

That is, *stock equal to* full honor-price *is given* by the chief who had taken the first 'giallna'-securities, one-third of honor-price by the chief who had taken the second 'giallna'-securities, and one-ninth of honor-price by the chief who had taken the third 'giallna'-securities on the acknowledgment of stock *by the tenant.*[2] Full stock *is given* by the chief who has taken the first 'giallna'-securities, two-thirds of stock by the chief who has taken the second 'giallna'-securities, and half stock from the chief who has taken the third 'giallna'-securities. Full food, two-thirds of food, and half food *is given* to them *in return.* Full 'smacht'-fine, and half 'smacht'-fine, and one-fourth 'smacht'-fine *are paid* to them in case of failure *in payment* of their food. Full honor-price, and half honor-price, and one-fourth honor-price *are paid* to them for failure of their food. Full honor-price, and half honor-price, and one-third honor-price *are due* to them *respectively* for full injury done to their tenant; and there is no chief who has taken third 'giallna'-securities, or chief who has taken second 'giallna'-securities in 'saer'-stock tenures.

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Daithe inoligid ar in ceile forgiallna ocus cuitriu do gabail a raithe, fo laigoigeb a feoit tuircluithe.

Tuircreic ar ber ber coir amuil ber a tocacht, ocus a grad, ocus a miad, ar thian a duinn ocus a meirce.

Tuircreic, .i. in creic toirichnech ir coir ar in mbiad uair ir coir do toimthula. Amuil ber a tocacht, .i. tire ocus imle, .i. atreabta. A grad, .i. do na fecht ngradaib, .i. in fo uirnertar a rine, S.D. Ar thian a duinn, .i. no thian na herca ata i ngait ar, no a creic no a frithe. A merce, .i. a merge occa, S.D. .i. thian ineich tuillius a flaithemnus do ma tait celithe aige, .i. thian coirthoire na cneithe fertfuigthar air ar mergi; no thian a chorma.

A biathad fo met a raith o raesceile ocus o doesceile, ocus smacht a chana, ocus smacht a fluagluige, ocus biathad cungbala, ocus fuillem a gill, ocus frithe a roit ocus a rairge, isred oligid o tuaith oilchena.

Ar leth fri beo eliud.

.i. feired fucurtur raith ar aitur, ocus fo fuarluig in flaith eirithe; in feirid fuilliur in thian cuthb leth, .i. leth cotuch rine fuil a laim na threabuire ann, ocus flaith fo fuarluicc he.

Beo elog do rine in ceile inro, ocus icuid in trebuire in cet biad, ocus berait in tir fri bruine in bid tanuire; ocus comroinnit in tiri ar rin, a thian do flaith, ocus a thian do ecluis, ocus a thian thrine; ocus in thian fo riacht thrine ann, a let do trebuire co fo icthur ria aitgin in bid co lor ocus ar ocus inforbuirt ocus lan eneclann. Ocus fo fuarluice flait he. Tabuir in feired sirin thian cuthb let.

[1] *Things found.* 'Frithe.' Things found on his land which belong to him by right, such as waifs, strays, treasure-trove; and at sea, flotsam, ligan, &c.

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'CAIN AIGILLNE,' OR LAW OF 'DAER'-STOCK TENURE.

It is to punish the tenant for his illegality in having 'taken' second and third 'giallna'-securities, whilst he had the 'saire'-privileges (*i.e. while holding by 'saer'-stock tenure*) that his returnable 'seds' are lessened.

Proportionate stock is given for rent, which is regulated according to his (*the tenant's*) property, and his grade, and his dignity, for the third of his '*eric*'-*fine due* for stealing and for drunkenness.

Proportionate stock, i.e. the relieving fee, which is proportionate with the noble food about to be supplied. According to his property, i.e. in land, and cattle, i.e. houses. His grade, i.e. one of the seven grades, i.e. what his tribe conferred.—*S.D.* For the third of his '*eric*'-*fine due* for stealing, i.e. or the third of the 'eric'-fine which is due for stealing from him, or plundering him, or taking his things found.[1] Drunkenness, i.e. for his being drunk with them, *S.D.* i.e. the third of what his chieftainship entitles him to if he has tenants, i.e. the third of the body-fine for the wound which shall be inflicted on him in his drunkenness; or the third of his ale.

His (*the chief's*) food shall be *supplied* by the 'saer'-stock tenant and by the 'daer'-stock tenant according to the amount of his stock, and 'smacht'-fine for his tribute and his hosting, the food for his residence, and the interests of his pledge, the waifs of his road and of his sea:—these he is entitled to from the country in general.

For one-half for life absconding.

That is, the sixth of the stock he carried off first, and the chief redeemed this; the sixth added to one-third makes one-half, i.e. half the share of the tribe is in the hands of the surety in this case, and the chief redeemed it.

In this case the tenant absconded in the lifetime of the chief,[a] and the surety pays the first *return of* food, and he gives the land for the furnishing of the second *return of* food; whereupon they divide the land, one-third *is given* to the chief, one-third to the Church, and one-third of it to the tribe; and of the third of it which comes to the tribe, one-half shall be given to the surety until he is paid restitution of the food, with the increase, growth, and addition, and full honor-price. And the chief redeemed it. Add the one-sixth to the one-third and they make one-half.

[a] Ir. *Life-absconding.*

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

Mada aitiain fine, ocus cet giallna gabus forgiallna, ocus is beo élog, is trian beirid cetgiallna, ocus leth trian fine, ocus trian in leithe fris uada di forgiallna, ocus trian in leithe eile o fine, conid trian triain fine di forgiallna, ocus is e .ix. in orba tuile, conid da trian trin fine berait flaithi.

Mada aitiain fine aonus, ocus is beo elog do berat for na flaithib, is trian do cétgiallna, ocus leth trin fine, ocus da trian leth triain fine do forgiallna; cunid feisiud in trin beirid fine .i. in tochtmad fann dec in orba uili.

Ma aitiain flatha a haonus gabus forgiallna, ocus is beo elo, is leth dóib andis, .i. trian ocus trian leth in triain fris do cetgiallnu, ocus dá trian leth triain da forgiallna, .i. nomud in orbu uili; no dono is leth a chotu ma mairb elú. Dormuig do forgiallna a beo elud do grés.

Ma haitiain fine aenus no a flatha a haenus gabuid forgiallna, ocus is mairbelud, is trian chota in tí deatnann di forgiallna .i. nomud in orbu uile.

Ma in aitiu indis gabus forgiallna, ocus is mairbelud, is feisiud chotu cechtus de do forgiallna .i. trian triain, no nomud in orbu uili, ocus is trian acht feisiud triain, in ochtmud dec in orbu uile, cuit chechtus de sum. Is leth gach cotu no saig fine in gach gne dib so uili do fuaichne fogla.

[1] *One half is given to both*, i.e. is divided between both, half the land of the fugitive tenant is given to the two chiefs, but not in equal proportions; for the chief who took first 'giallna'-securities gets $\frac{1}{3}$, and the chief who took the second

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

If it be with the cognizance of the tribe, and the chief who has taken the first 'giallna'-securities has taken the second 'giallna'-securities, and life-absconding has taken place, then the chief who took the first 'giallna'-securities shall obtain one-third, the tribe half one-third, and one-third of this half *shall be given* by them to the chief who took the second 'giallna'-securities, and one-third of the other half *shall be given* by the tribe *to the chief who took the first 'giallna'-securities*, so that the chief who took the second 'giallna'-securities gets the third of the tribe's one-third, which is the one-ninth of all the land, and the chiefs obtain two-thirds of the third *of the share* of the tribe.

If the tribe only is cognizant of it, and that life-absconding has taken place from the chiefs, then the chief who has taken the first 'giallna'-securities gets one-third, the tribe half one-third, and two-thirds of the tribe's half-third goes to the chief who took the second 'giallna'-securities; so that the part which the tribe shall obtain is one-sixth of one-third, i.e. one-eighteenth of all the land.

If the chief alone is cognizant that second 'giallna'-securities have been accepted, and life-absconding has taken place, one-half is *given* to both of them,[1] i.e. one-third and one-third of one-half of that one-third to the chief who took the first 'giallna'-securities, and two-thirds of half one-third to the chief who took the second 'giallna'-securities, i.e. the one-ninth of the whole land; or else it is half his (*the fugitive's*) share if death-absconding has taken place Addition *is given* to the chief who took the second 'giallna'-securities in cases of life-absconding at all times.

If the tribe only or the chief only is cognizant that second 'giallna'-securities have been accepted, and that death-absconding has taken place, one-third of the share of the person who has absconded *is given* to the chief who has taken second 'giallna'-securities, i.e. one-ninth of the whole land.

If with the cognizance of both *tribe and chief* second 'giallna'-securities have been accepted, and death-absconding has taken place, the sixth part of the share of both *is given* to the chief who took the second 'giallna'-securities, i.e. the third of the third, or one-ninth of the whole land, and one-third minus one-sixth of one-third—the one-eighteenth of the whole land—is the share of each of them. It is half the share that comes to the tribe in each of all these cases for trespass-damage.

[1] 'giallna'-securities $\frac{1}{9}$, both added together $= \frac{1}{4}$ of the whole land. The remaining half of the fugitive's land belonged to his tribe.

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Dligid cach ber o biuc co mor.

.i. ma damu fuil ag in flaith, if ann if coir i nduil do caithium in bid celsine in tan if cutruma in biad celsine ocus biathud na daime. Mani luda in dam, a dam do breith do ler, ocus beth doib irtig cu tairi doiu in biad do caithium. Ocus dia fiucuid imurcuid daime ler in flaith, fo ba glethi tar innrius do flaith an imurcuid daime berur co tig in ceile, ocus ireth if dir imgaur frir tria anbfoltaib flatha.

Ocus mir do dornuinn.

.i. far loin, .i. don cet tona; arus eirde dligur cenn in baili ona cherchnib biti imin clochdroichit fuidigur o doun, .i. amuil in mir ata on airchinniuch don cairleoir, .i. mir ler don in dligur inti chorduidur in cloch o dun. Fir in baili dligur airill loin cach mairt muinfithur irin mbaili, ocus mir do cet loin a lethéit do tabuirt ler in mbiad ar mer annfo, ocus mir deneg dorum, ocus nocha nfuil cinniud medigadta fairfide.

Ar a chorur fri tuaith.

.i. do fuba ocus do fuba, ocus geall tar a ceann amuig, .i. cufub é do fata geall tar a ceann cid fri tuait cid fri hegluir.

Lutu laime fir do domidigtur dia tigut.

.i. orolud lutun on fir do ní in tomur o laim ina tigit i:baingiun, .i. letfat buna in litanain, no in talt medonach irin mer ele.

O'D. 1074. [Cach biad cona dilri, cona fomillri, cona flaine do briu. Cac necubur cona dire, ocus a fuilliud, ocus a fmacdaib. Cach naninfaic nanfoit cona diablad aith-

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He (*the chief*) is entitled to every 'food'-rent from small to great.

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That is, if the chief has parties *of visitors*, it is right for him to go with them to consume the food of tenancy when the food of tenancy *due to him* is equal to the food which the party requires. If it be less, he is to bring his company with him, and they are to remain at the house until they finish the food *due*. And if the chief should bring too large a company with him, it would be 'feeding beyond honesty' on the part of the chief to bring excess of company to the house of the tenant, and it is right *for the latter* to separate from him in consequence of the indigence of the chief.

And a piece *of fleshmeat* to handwork.

That is, the rump steak, i.e. of the 'ces' of the hind part; for this is what the head of the village is entitled to from the cabins around the stone bridge which he erected with his *own* hand; such as the bit that is due from the 'herenach' to the stone-mason, i.e. the thigh steak, which is due to the person who dresses the stone with his hand. The head man of the village is entitled to the thigh or hip steak of every head of cattle that shall be killed in the townland, and a similar piece of the 'ces' of the rump shall be given along with the food upon a dish here, and a piece of that shall be given to him, but its size is not defined.

For his law towards the territory.

That is, for service of attack and defence, and a pledge for him outside, i.e. it is he that shall give a pledge for him, whether to the laity or the Church.

A man's little finger measures it in thickness.

That is, the breadth of the little finger of the man who measures it with his hand is the thickness of the cake, i.e. the breadth of the little finger at its root, or of the middle joint of the other (*next*) finger.

Every food *to be conveyed* to the house in its integrity, in its sweetness, in its soundness. Every dishonesty *shall be visited* with 'dire'-fine, and addition, and 'smacht'-fines. Every impropriety of

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gena, mana follaigter tre eirler. Ire ber aen cinuda in fo foloing, ar a miad.

Cach biad, .i. dib fo uile. Cona dilri, .i. narub gat. Cona fomillri, .i. narub fearb. Cona flaine, .i. narub fceathe. Cach necubur, .i. cach ni de ber gat. Cona dire, .i. im enechland. Fuilliud, .i. in aithgin. A fmachtaib, .i. in cumal. Cach naninfraic, .i. cach eirinfracur do ni nech tre anfaitechur, .i. aige do tuit don eagais itir da tech, diablad inn. Cona diablad, .i. cun diablad uad cuna dorachtain air maitin. Mana follaigter, .i. mani follaigter tre dimur, no tre ailfed leara. Tre eirler, .i. tre faill frithnama. Ire ber, .i. ir e biad uair dligtec imfuilnger in taen bir don chned fon airliataig, in biad fo a derum in ar ndedaig.]

Cach mbiad cuna dilri.

.i. narub gat, .i. ma tucad in biad gaithe don flait, muna fitir nechtar de, muna fo cait, airiuc a bid uaid drir bunuid, ocur biad on cele don flaith ar ceithri la.

Ma fo caith, gebid grelm aithgina do, ocur ir lan don cele a tidnucul, ar ni fitir arma gat.

Ma fo fitir in cele cunu gat, ocur ni fitir in flaith, muna fo chait, aithgin bid innriucc cona dublad dic fer, cumul ocur ennuclann; ocur ma é froga na flatha imgar, ir imgar fri hanfolta aigille, ocur cuna bu lubda lair ina tachur ar diumunn.

Mar cait, gebid grelm aithgina do, ocur letgabail dubulta ocur einuclann dic fer.

Ma fo fitir in flaith cumid biad gaithe, cia fo fitir cin co fitir in cele, nocha nfuil ni on cele don flaith

Cona fomillri.

.i. mad tucad in biad fearb no fceathad don flaith, muna fitir in cele, ocur ni fitir in flaith, ir flan don cele, act biad uadsa ar uide ice choir, ar cethe laithe.

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(*arising from*) inadvertence *shall be visited* with double restitution, unless it has been caused by neglect. This is the food-rent by which one of the tribe is sustained, according to his dignity.

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Every food, i.e. of all these. In its integrity, i.e. that it be not stolen. In its sweetness, i.e. that it be not bitter. In its soundness, i.e. that it be not mawkish. Every dishonesty, i.e. every part of it which is stolen. With 'dire'-fine, i.e. with honor-price. Addition, i.e. restitution. 'Smacht'-fines, i.e. the 'cumhal.' Every impropriety, i.e. every impropriety which one commits through inadvertence, i.e. a joint which fell off the litter between the two houses, there is double for it. With its double, i.e. with its double from him, if it should not arrive in the morning. Unless it (*the impropriety*) has been caused by neglect, i.e. unless it has been neglected through pride, or through neglect of duty. By neglect, i.e. through neglect of service. This is the food-rent, i.e. this food which we shall mention hereafter is the noble lawful food which sustains the one who is of the tribe, according to his dignity.

Every food in its integrity.

That is, that it be not stolen *food*, i.e. if stolen food has been given to the chief, if neither of them knew of it, unless it has been consumed, he (*the chief*) shall return the food to the original owner, and the tenant shall render the food to the chief in four days.

If he has consumed it, it creates a claim of restitution from him, and the tenant is free for having given it, for he did not know that it had been stolen.

If the tenant had known that it was *got by* theft, and the chief had not, if he (*the chief*) has not consumed it, he (*the tenant*) shall pay restitution in honest food, with its double, a 'cumhal' and honor-price; and if it be the choice of the chief to separate, he may separate from a disqualified 'daer'-stock tenant, and he does not deem it a less offence than returning *his stock* out of contempt.

If he (*the chief*) has consumed it, this founds a claim of restitution from him, but double half-seizure and honor-price shall be paid to him.

If the chief had known that it was stolen, whether the tenant knew it or not, there is nothing due from the tenant to the chief.

In its sweetness.

That is, if bitter or mawkish food was given to the chief, if the tenant did not know of it, and the chief did not know of it, the tenant is free, but so as he gives other food in proper course of payment, *i.e.* in four days.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

Mad ro fitir in cele, ocus ni fitir in flaith, muna ro chaith, aithgin bid dligdig co na diablad dic fir, cumal ocus eineclann. Ma ro cait in flait in biad, geibid greim aitgina do in biad ro cait, ocus letgabail diabulta bid dligdig dic fir, cumal ocus eineclann.

In inbuid tuc in cele linn no biad fearb no fceċach don flaith, ised is eicin a fir ina trebuib dligdecha no indligdecha, co fromad no cin fromad do figned hé. Mas a trebuib dligdecha, cu fromad, isflan acht aithgin mbid innsuic as uide ice doib.

Mas a trebuib dligdecha, can fromad, no trebaib indligdecha go fromad, is cumal ocus diablad. Mas a trebaib indligdecha cen fromad, is cumal ocus diablad ocus eniuclann, ocus a fogu do in biad sachus do as cedre laide, ocus linn as cuic laide dec; no ma legad co tuctus bbiad ocus linn do in aonfecht as cuic laide dec. No dono cepe inad i ndesnad, ma tesna, isflan, cepe inad i ndesnad, maine tesna co fis a indligid re na dabairt don flaith, is cumal ocus diablad ocus eineclann.

Cach naninnsuicc nansoit.

.i. cumad ni tuitfed de itis da tech insso, .i. cach eisinnsucus do ni nech tre ansaitcef, .i. aige do tuit don esais itis da tech, diablad ocus einclann inn.

In taigi itis da tech, acht ma do rocht aige a comait trath feisi, is aithgin ann co na diablad. Muna thosaicht aige a comait trath feisi, ocus ni tre eislis ro follaigfed, is aithgin ocus diablad ocus cumal. Mad tre eislis ro follaigfed, is aithgin ocus diablad ocus cumul ocus eineclann. No dono, cin co tosaicht aige a comait triat feisi, acht ma do rocht sia maitin, isflan. Munu tosaicht sia maitin, ocus ni tre eislis ro follaigfed, is cumal ocus diablad. Mad tre eislis ro follaigfed, is cumal ocus diablad ocus eineclann.

[1] *Food.* The word for food, 'biad,' is spelled generally with one b; but in the MS. there is one b at the end of one line, and the full word 'biad' at the beginning of the next line.

[2] *Safe*, i.e. the tenant is quit, or free from fine or penalty.

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'CAIN AIGILLNE,' OR LAW OF 'DAER'-STOCK TENURE.

If the tenant knew of it, and the chief did not, unless he had consumed it, restitution in lawful food, with its double, shall be paid to him, *also* a 'cumhal' and honor-price. If the chief has consumed the food, the food which he has consumed founds a claim of restitution from him *to the rightful owner*, and double half-seizure of lawful food, a 'cumhal' and honor-price shall be paid to him *by the tenant.*

When the tenant has given bitter or mawkish ale or food to the chief, it must be ascertained whether it has been manufactured in the lawful or unlawful houses, with proof or without proof. If it was in the lawful houses, with proof, he is free, but he shall give restitution in proper food in proper course of payment.

If it was in lawful houses, without proof, or in the unlawful house, with proof, *the penalty* shall be a 'cumhal' and double. If in the unlawful houses, without proof, it (*the penalty*) is a 'cumhal' and double and honor-price, and he (*the chief*) has his choice whether it is food that shall be sent to him in four days, and ale in fifteen days; or food[1] and drink together in fifteen days. Or, indeed, *according to others* wherever made, if sound, *the tenant* is safe, *or* wherever made, if not sound, with knowledge of illegality before giving to the chief, it (*the penalty*) is a 'cumhal' and double and honor-price.

Every impropriety of inadvertence.

This is when a part of it falls between two houses, i.e. every impropriety which one commits through inadvertence, i.e. for a joint which fell off the litter between the two houses, there is double and honor-price *to be paid* for it.

As regards the joint *which fell* between the two houses, provided that a joint of equal goodness with it has arrived at the time of the feast, there shall be *due* restitution for it with double. If a joint of equal goodness has not arrived at the time of the feast, and if it was not through contempt it was neglected, it (*the penalty*) shall be restitution and double and a 'cumhal.' If it was through contempt it was neglected, it (*the penalty*) shall be restitution and double and a 'cumhal' and honor-price. Or, indeed, if a joint of equal goodness has not arrived at the time of the feast, provided it arrives before morning, he (*the tenant*) is safe.[2] If it has not arrived before morning, but it was not through contempt it was neglected, *the penalty* shall be a 'cumhal' and double. If it was through contempt it was neglected, it (*the penalty*) shall be a 'cumhal' and double and honor-price.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

In taige itir da tech, acht ma do fuacht aige a comait don flait cu triath feiri irlan. Maine toracht annfein, ocus do fuacht mar aon re fuigell ar maitin, ir diablad ocus nocho nfuil ni ir mo ina fin ann, no corno fuirigithur trie faill frichnuma; ocus o fuirechtur, ir cumal ann ocus diablad ocus eineclunn. No dono cena, ir diablad ann ma do fuacht triat feiri, ocus muna toracht ann fein ir cumal ocus diablaf; do fuacht mar aon re fuigell ar maitin, ocus maine toracht, ir fiach faille frichnuma ann o fin amach, cumal ocus diablad ocus eineclunn.

O'D. 1075. [Ag loige meich, ocht nduirn a timcomac, flan o cull, la blichtu i feor, do emeat a da lon a dia arainn, acht mod forcallainn tri mer, nacha traetha feidm frichnairi na galar, acht aidid frir i nalar; ocus tarir loigi meich lair, naoi nduirn a fot, airtem a leithet acrui iar naisidur, dorn leithet acrai a niarthur, tri duirn a leithet ar a medon, tri meir a tigat a medon; ocus miach bracha, do braich eorna a ardtreichem; talman do mintire tri mecon, cona tur, techta aitair in tri laithe a mi marta.

Ag loige meich, .i. ag daṅad log miach cruidneacta, fcneapall a log, ocus tri ramairci a rath. A timcomac, .i. a timceall in aige. O cull, .i. o buain ar. La blichtu, .i. cōmcumaid do rir na buaib bleacta ac gleid in feoir. Do emeat, .i. do emeat no tuigit a da lon a da arainn. Forcallainn tri mer, .i. meit no, nad, .i. inad cinn tri mer irred ro dicinn a bit do cach arainn dib, .i. cic met ar a arainn lethet tri mer. Nach traetha teidm, .i. nocu millenn hi teidm, .i. brirci na galair nairni bi uirri. Acht aidid, .i. acht maidet ririr hailed he; in cuad da marbad. Tarir loigi meich,

'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

As to the joint *which fell* between the two houses, provided that a joint of equal goodness was brought to the chief at the time of the feast, he (*the tenant*) is safe. If it had not arrived then, but arrived along with the remnant in the morning *the penalty* shall be double, and there shall be no more than that *imposed* for it until a delay of payment has occurred through neglect of service; but when it is so neglected, there shall be *a penalty* of a 'cumhal' for it, and double and honor-price. Or, indeed, there shall be double if it arrived at the time of the feast, and if it did not arrive then, it (*the fine*) shall be a 'cumhal' and double; if it arrived along with the remnant in the morning, and if it did not arrive, there shall be fine for neglect of service from that out, *i.e.* a 'cumhal' and double and honor-price.

A calf of the value of a sack, eight hands in girth, sound after being made a bullock, which grazes along with the milch cows, whose two haunches reach his two kidneys, except the breadth of three fingers, not killed by fairy-plague or *other* disease, but slaughtered by the person by whom it was reared; and a *pig's* belly worth a sack, nine fists in length, a fist with the thumb extended being the breadth of its fork in front, a fist being the breadth of its fork behind, three fists being its breadth in the middle, three fingers its thickness in the middle; and a sack of malt, of barley which grew in rich land; *and a sack of meal* of the level land of three roots, with its manure, which was lawfully ploughed three days in the month of March.

A calf of the value of a sack, i.e. a calf whose value is a sack of wheat worth a 'screpall,' and the stock *for which it was given as rent* was three 'samhaisc' heifers. In girth, i.e. the round of the calf. After being made a bullock, i.e. after being cut. With the milch cows, i.e. he is equal with the milch cows in feeding on the grass. Reach, i.e. his two haunches reach or extend to his two kidneys. The breadth of three fingers, i.e. the breadth or the space, i.e. the breadth of three fingers at their points is what is wanting of their reaching each kidney of them, i.e. fat has grown on the kidneys to the breadth of three fingers. Not killed by fairy disease, i.e. plague has not destroyed it, i.e. it had not a broken kidney, or disease of the kidney. But slaughtered, i.e. but it was killed by the person by whom it was fed; the hatchet has killed it. A belly

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

.i. danad log miad ber fiu lecfrepaill. Airtem, .i. airdiu de indem a eith fain, in ordu ar a cinn fuar anairde. Crui, .i. in baill ar cosaigedh tearcad in tarsa iar nairtiur itir da coic cinn na muice. Dorn, .i. maeldorn. Cerai a niartus, .i. itir a da coic dona. Airdrecheim, .i. ar na trenéeimniugad ar in talmain airdi cumad fearsde aid. Cona dus, .i. cona duar dligteb air a fogmur.]

.i. cid fo derga co na fuil acht aon fcribaill ar in ag fo, ocus co fuilit da fcribaill ar in laog in la berar he, cid firinn, cid boininn he? Is e fad foderga, fe marbad ata in tag firinn ann fo, ocus ise mes a loige fe marbad in fcribaill. Re lecad ar imurro ata in laog, ocus is e mes dligteb aile dec a mathus ar in la berus he .i. cetrume trin in lacta, da fcribull eiteic mara bo ceithri fcribull fichet; ocus in da fcribull cetna air o berthes e cus in famuin is nesa; ocus iar cetfuid cemad bo fichit fcribaill hi, co mbedis fain ar in laog in la fo berta e; no dono, cona bet acht aile dec a matar fein, .i. fcribaill ocus da trian fcribuill.

O'D. 1076-77. [Braich tri coictiges: la co naidi 1 folc, ocus tri la fos didbuilfrin, ocus nomad a comlugad fo cotuige, ocus tri la ocus teora aidchi bes delechta co tuargabar ina fotaib, ocus cuictiges a fotaib cen ciprad, ocus ina imfraib iar na ciprad co tirtar.

Braich tri coictiges, .i. tri cuicti a haig, .i. tri cuicti aicinta .i. ar tri cuicti inforaigter a denam co dligtech. La co naidchi, .i. laithe aicinta di a nuirci. Tri la, .i. laithe co leith aicinta ac fnigi a huirci di. Nomad, .i. nomad faeridu fain, fecht laithe aicinta uile fain. Tri la, .i. aicinta. Teora aidchi, .i. iar ndeirgail a tuigid di, iar mbuain in neich bis uirri, cid tuige cid arbus. Co tuargabar, .i. feriu tocbaitear hi ina fotaib; deic laithe aicinta anuas uile conice fein. Cuictiges, .i. cuicti aicinta. Ina imfraib, .i. iar ndenam imairid di.

[1] *The fist with the thumb extended.* Estimated as six inches.

[2] *Flat fist,* i.e. the fist being clenched, not like the 'airdem,' which has the thumb extended. The 'maeldorn' is four inches, the 'airdem' six inches.

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worth a sack, i.e. worth a sack of the value of half a 'screpall.' A fist with the thumb extended,[1] i.e. it is the higher by having its handle out of it, i.e. the thumb extended over it. Of its fork, i.e. of the place where the belly was cut in front between the two fore feet of the pig. A fist, i.e. the flat fist.[2] Its fork behind, i.e. between the two hind legs.[3] Which grew in rich land i.e. which came out of high rich land, that its strength might be the better. With its manure, i.e. with its lawful manure upon it in the harvest time.

'Cain Aigillne,' or Law of 'Dakr'-stock Tenure.

What is the reason that there is but one 'screpall' for this calf, and that there are two 'screpalls' for a calf on the day on which it is calved, whether it is male or female? The reason of it is, because this bull calf is to be slaughtered in this case, and a 'screpall,' is the estimation of its value for being killed. But the heifer calf is to be spared, and the lawful estimation of its value is the one-twelfth of *the value* of its dam on the day on which it is calved, i.e. the fourth of the third of the milk, which is two 'screpalls' if the cow be of the value of twenty-four 'screpalls;' and it is of the same value of two 'screpalls' from its birth till the next November ensuing; and it is the opinion *of lawyers* that if the cow should be worth only twenty 'screpalls,' that the calf would be *estimated* at the said value *of two 'screpalls'* on the day on which it was calved; or, *according to others*, it would be *estimated as* of the twelfth *of the value* of its own mother only, i.e. a 'screpall' and two-thirds of a 'screpall'.

Malt of three fortnights: a day and a night steeping, and three days dripping, and nine days lying under its covering, and three days and three nights it shall lie exposed until it is raised in sods, and it should be a fortnight in sods without being raked, and in ridges after being raked until it is dried.

Malt of three fortnights, i.e. thrice five days its age, i.e. thrice five natural days, i.e. in thrice five natural days it is undertaken to make it lawfully. A day and a night *steeping*, i.e. a natural day in water. Three days, i.e. a natural day and a half in dripping its water off. Nine days, i.e. nine artificial days, these make in all seven artificial days. Three days, i.e. natural *days*. Three nights, i.e. after stripping its covering off it, after taking what was over it off it, whether straw or corn. Until it is raised, i.e. before it is taken up in sods; all the foregoing amount to ten natural days. A fortnight, i.e. *thrice* five natural days. In ridges, i.e. after making ridges of it.

[3] *Hind legs*, literally bottom legs. The fore legs are called by the Irish 'copa cinn,' i.e. head legs.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

Co tiṫaṙ, .i. cu cṙuadaigṫeṙ hi cuicṫi aicinta ṙain, ocuṙ laithe aicinta dib ṙin di ina ṙotaib iaṙ na tocbail ṙiaṙiu ciṙṫaiṙ hi, ocuṙ ṫṙi laithe aicinta di ina imaiṙib iaṙ na ciṙad ṙiaṙiu cṙuadaigṫeṙ hi; ocuṙ a ciṙad na nimaiṙed ṙain cach lae, ocuṙ laiṫi aicinta ṙe cṙuadugad, ocuṙ na cuic laithi aicinta ṙo ṙiṙ na deiċ laithib aicinta aṫṙubṙumaiṙ ṙomainn, conid cuic laiṫi dec aiccenta ṙain uile ṙe leṙugad na bṙaċa o do beṙṫaṙ uiṙce uiṙṙe, no co taiṙ a cṙuadugad; ocuṙ no con nimiṙ ṙe aiṙiṫi ṙe huṙlumad o ṙain amaich, acht in ṙe aṙ a taiṙ a denum amail beṙ ail don ti do dena.

Ṫṙi ṙocail ṙoṙ bṙaich; ṙocul ṙaiṙ iaṙ na ciṙad cen bleiṫ; ṙocul ṙaiṙ iaṙ na bleiṫ do gniṫeṙ tuiṙcin de, co ṙinnṫaṙ a blaṙ ocuṙ a ṙlaine; ṙocul ṙoṙ bṙaich liṙ ṙiaṙiu do cae ṙoṙ deṙcṫu. Mana aiṙigṫeṙ ṙaiṙ iṙ in ṫṙeiṙde ṙeo, niṙiu meṫ ṙoṙṙin ceili de, ma claid aiṙigu; dilig nachaiṙ beṙna aiṫgin ṙṙi eiṙic on ceili cia do ṙagba aiṙigiu.

Iaṙ na ciṙad, .i. iaṙ na cṙuadugad gṙainde di ṙo iacaib duṙ in bi maiṫ a boloṫ, .i. duṙ i mbi maiṫ a ṙolad. Cen bleiṫ, .i. neṙiu meilteṙ hi. A blaṙ, .i. naṙad ṙeaṙb. A ṙlaine, .i. naṙad ṙceaṫach. Bṙaich liṙ, .i. ṙon ngne cetna. Niṙiu meṫ ṙoṙṙin ceili de, .i. ṙinachd, .i. in cumal Ma claid, .i. ma claid in ceile cia teṙbann don lind, no ni tabaṙ ade ṙoṙṙ in ṙlaiṫ cen a hic mad aṙbeṙn ni dia biu. Dilig, .i. iṙ dilius don ceile co na tabaṙ acladde ṙiach aiṙ, im hic eiṙce ṙiṙ in ṙlaiṫ, ge digbaid in aiṙgid ṙoṙubṙumaṙ ṙomaind, conad aiṙbeṙn in aiṫgin dligeṙ in ṙlaiṫ in imbaid iṙ a ṫṙebaib dligṫecha co ṙṙomad do ṙindeo hi.]

Ṫṙi ṙocail ṙoṙ bṙaiṫ.

.i. ma iṙ na ṫṙeabuiḃ dligṫeċa ocuṙ ṙṙomṫaṙ a aiṙiṫe, ocuṙ ni ṙaiṫigṫeṙ ṙaiṙ, iṙ ṙlan don cele, acht co taiṙe linn aṙ cuic la dec ocuṙ biad on ṫṙaṫ co ṙaile. Muna taiṙ, iṙ cumul. Muna haiṙigṫuṙ ṙoṙṙa haiṙiġe, doṙli cumul don ṙlaiṫ, ocuṙ biad ocuṙ linn aṙ in cetnu.

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'CAIN AIGILLNE,' OR LAW OF 'DAER'-STOCK TENURE.

Until it is dried, i.e. until it is kiln-dried for five natural days, and it is one day of these in sods after its being taken up before it is raked, and it is three natural days in ridges after being raked before it is dried; and it is raked in ridges every day, and a natural day is required to dry it, and these five natural days being added to the ten natural days which we said before, make fifteen natural days for improving the malt after the water is put on it, until its drying is finished; and no particular time is mentioned for preparing it from that out, but the time in which the finishing takes place depends upon the person who makes it.

Three tests concerning malt; one test for it after being dried without being ground; another test for it after being ground *before* it is made into a cake, that its taste and soundness may be known; and a test for the mash before it is put to ferment. If no *unsoundness* is perceived upon it in these three *tests*, no *fine for* failure shall lie against the tenant for it, if he sues for test; but even though the test be applied, it is right that the restitution with 'eric'-fine shall nevertheless be paid by the tenant.

After being dried, i.e. after being hardened (*kiln-dried*) a grain of it *is put* under the tooth to know if its smell is good, i.e. to know if its substance is good. Without being ground, i.e. before it is ground. Its taste, i.e. that it may not be bitter. Its soundness, i.e. that it may not be mawkish. The mash, i.e. in the same way. No *fine for* failure shall lie against the tenant, i.e. 'smacht'-fine, i.e. the 'cumhal'. If he (*the chief*) sues, i.e. if he sues the *tenant* for what is wanting of the ale, or if any part of the *supply of* food be defective, he (*the tenant*) cannot avoid paying it to the chief. It is right, i.e. it is right towards the tenant that he be not sued for debt, *but he is* to pay 'eric'-fine to the chief, though the tests which we have mentioned be wanting, but there shall be no deficiency in the restitution to which the chief is entitled, when it (*the malt*) was made in the lawful houses with proof.

Three tests for malt.

That is, if it was in the lawful houses *it was made*, and the tests were applied, and nothing *wrong* was perceived, the tenant is safe, but so as he supplies ale in fifteen days and food from day to day. If he does not, it (*the fine*) is a 'cumhal.' If the tests have not been applied to them, a 'cumhal' is due to the chief, and food and ale in the same manner.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

Muna fromtar a hairiged ir dilgi mbó, ocus biad maith do tairiuc, ocus cumal.

Mad a dreabuib indligtuchuib, ocus fromthur a hairigdi, ocus ni hairigdur olc forfruib, ir dilus in biad sin, ocus biad maith do tairiuc, ocus cumal, ocus muna tairi, dorli cumal eile. Dia nairigdur, beirig in cele a biad, ocus do sen ledriach, .i. ledlog einiuch ocus cumal, ocus biad do tairedtain don flaith; ocus muna tairde dorli cumal.

Muna fromthar in airithe, dorli log nenech ocus cumal, ocus biad maith do tairic, ocus ir dilius in midcuirm do grés.

Tri focuil for braich.

.i. tri fromaid, .i. dia fromtur ir na trebaib e irlan, cid ulc iardain. Muna fromtar, ir dilef cia ro caidi. La micuirm do biud, ocus cumal. Sic dono ir na trebuib indligteda co fromtur; muna fromtur inntibride, ir cumul ocus einechann ocus dilgi cia ro chaithe. La midchuirm do biud.

Maini airigther fair in treidedo, .i. i trebuib dligteda ata ro. Dia fromtur, irlan, cid olc iardain. Maine fromtur, ir dilef cia ro caithur; la micuirm do biud gni. Cach ni erbadach don biud funn do bertar amuil ir beir in forair dir, ocus cach baail[1] ata in imurcridid funn, ni don forair erbur, ar ur cach; ocus in fann gabat na biata irin mboin cona foraig, ir i fand do fiadh biar orra.

O'D. 1077-78. [Ag loige da miach, flan o cull, comgleith do fri blichtu o torach famraid co tairbenad do flaith; deich nduirn a timcomac; do emeat a da lon a dia arainn

[1] baail. The first a is at the end of a line in the MS. and the second a begins the next line. The word is usually bail.

[2] *Proved*, i.e. by the evidence of proper witnesses.

[3] *Described*, i.e. in treating of the calf worth one sack.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

If the *undergoing of the* tests has not been proved[1], the food is forfeited, and good food shall be supplied, and a 'cumhal' *paid as a penalty.*

If *the malt was made* in unlawful houses, and the *undergoing of the* tests has been proved, and no unsoundness was perceived, that food is forfeited, and he (*the tenant*) must supply good food, and pay a 'cumhal' *as fine*, and if he does not, he incurs *a fine of* another 'cumhal.' If *unsoundness* has been perceived, the tenant shall obtain his food, but he pays half fine, i.e. half honor-price and a 'cumhal,' and food is to be supplied *by him* to the chief; and if he does not, he incurs *a fine of* a 'cumhal.'

If *the undergoing of the* tests be not proved, he incurs honor-price and *a fine of* a 'cumhal,' and he shall supply good food, and the bad ale is always forfeited.

Three tests for malt.

That is, three proofs, i.e. if it be proved in the *lawful* houses he is safe, though *it turn out* bad afterwards. If it be not proved *in the houses*, it is forfeited, though it was consumed. *This applies* to the food as well as the bad ale, and a 'cumhal' *fine must be paid.* Thus also in the unlawful houses until it is proved; if it be not proved in them, there are due a 'cumhal,' and honor-price, and forfeiture, though *the things* are consumed. *This applies* to the food as well as the bad ale.

If nothing *wrong* has been perceived upon it in these three *tests*, i.e. this applies to the lawful houses. If it is proved, he (*the tenant*) is safe, though *it turn out* bad afterwards. If it be not proved, it is forfeited, though it has been consumed; *this applies* to the food as well as the bad ale, &c. Whatever is deficient of the food in this case shall be supplied as is said of the accompaniment below, and wherever there is excess here *of this*, a part of the accompaniment shall be wanting, for it came short; and the proportion which the foods bear to the cow with its accompaniment, is the proportion of stock which shall be due of them.

A calf of the value of two sacks, sound after castration, which grazes with milch cows from the beginning of summer until it is exhibited to the chief; ten fists are its girth; its two haunches cover its two kidneys in the same way *as before described*[2], sound, of

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fon coiṙ cetna, ṙlan, ṙocuṙp, ṙubaid, ṙogelta, cona taiṙbenad; ocuṙ da miach bṙacha laiṙ do bṙaich inṙaic; ocuṙ tinne da meṙ do miteṙ itiṙ a tiuṡ ocuṙ a tana, da doṙn itiṙ ocuṙ a tiuṡ, a do itiṙ ocuṙ a tana, da meṙ itiṙ ocuṙ eipe a ṫṙoma, oct nduiṙn a ṙot, ocuṙ ceiṫṙi duiṙn a leithit o deilinṡ co tṙeichium; ocuṙ tṙi meich taṙṙai; ocuṙ imṡlaice do cainnlib, ocht nduiṙn a ṙot do toimṙib laime techta ṙil ṙṙi meṙu ocuṙ toimṙiu.

Aṡ loiṡe da miach, .i. aṡ danad loṡ da ṙcṙepall, .i. comṡṙad in taṡ ṙo ocuṙ in molt, .i. tṙi ba a ṙath in aiṡe ṙeo, ocuṙ naoi ṙamaiṙci a huṙcṙec, ocuṙ don aen cinet do beṙaṙ hi. O cull, .i. o buain aṙ. Co taiṙbenad, .i. don ṙlaith i naimṙiṙ ṡemṙid. Deich nduiṙn, .i. ina timcell im a boilṡṙen. Do emeat, .i. maiṙ ṙoubṙumaṙ ṙomaind. Fon coiṙ cetna, .i. moṡ ṙoṙ talliand tṙi meiṙ. Slan, .i. cen ṡalaṙ. Socuṙp, .i. maith a coṙp, .i. meth. Subaid, .i. ṙailid, .i. ṙodentaid. Soṡelta, .i. im daṡṙeoṙ, .i. maith ṡeleṙ in ṙeṙ. Cona taiṙbenad, .i. don ṙlaith. Da miach bṙacha, .i. do bṙaith dliṡtiṡ. Tinne da meṙ, .i. dia tiṡet, .i. da ṙcṙepall aṙ ṙiu. Do miteṙ, .i. iṙ ann toimṙiṡteṙ a tiṡet. Da doṙn itiṙ, .i. itiṙ i ṙail i tomaiṙteṙ he. Eipe a ṫṙoma, .i. i ṙail a teṙctaṙ he aca ṫṙuim. O deilinṡ, .i. o muic da hal, .i. da bliadain. Co tṙechium, .i. co tṙi hal, .i. tṙi mbliadan, .i. iṙin tṙeṙ bliadain maṙbtaṙ. Tṙi meich, .i. cṙuithnechta. Fṙi meṙu, .i. cia ba ṙiu, .i. ṙil ṙṙi tomuṙ do ṙeiṙ meṙa. Toimṙiu, .i. cia ba meit.]

Aṡ loiṡe da miach.

.i. ad dana loṡ da ṙcṙepall. Ceṫṙuime ṙatha aiṙe ṙo, ocuṙ ceṫṙuime biata uada ṙom dono, .i. tṙi ba a ṙat in aiṡi ṙeo, ocuṙ naoi ṙamuiṙce a tuṙċṙeic.

In taṡ loiṡi da miach, ni ṙaṡabuṙ a tuṙcṙeic i lebṙuib, act in cutṙuma ata aṙ in molt cona ṙoṙaiṙ aiṙe, ocuṙ imuṙcṙuid do ṙobiadaib ṙoṙ aon ṙiṙ in aṡ loiṡi da miach.

[1] *Salt pig.* 'Tinne.' Bacon or salt pork.

[2] *Hand.* The hand was a standard measure.

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good body, well formed, well grazed, to be exhibited; and two sacks of malt with it of pure malt; and a salt pig[1] measuring between its thick and its thin two fists, between this and its thick two, and two between it and its thin, two fingers between it and the cut of the back, eight fists its length, and four fists its breadth, from a two year old pig to a three year old pig, and three sacks of wheat; and a handful of candles, eight fists in length of the measures of the legitimate hand[2] which is *used* for estimating and measuring.

A calf of the value of two sacks, i.e. a calf the value of which is two 'screpalls,' i.e. this calf is of the same value as the wether, i.e. three cows is the stock, for this calf, and its proportionate stock is nine 'samhaisc'-heifers, and it is given to the last surviving *of the tribe or family*. After castration, i.e. after being splayed. Until it is exhibited, i.e. to the chief in the winter time. Ten fists, i.e. in girth around his middle. They cover, i.e. as we have said before. In the same way, i.e. there is a space in which three fingers would fit. Sound, i.e. without disease. Of good body, i.e. its body is good, i.e. fat. Well made, i.e. pleasant, i.e. well formed. Well grazed, i.e. with good grass, i.e. he grazes the grass well. To be exhibited, i.e. to the chief. Two sacks of malt, i.e. of lawful malt. A salt pig *measuring* two fists, i.e. in thickness; i.e. two screpalls its value. Measuring, i.e. it is there its thickness is measured. Two fists between, i.e. between in the place where it is measured. The cut of the back, i.e. the place where it is cut at the back. From a two year old pig, i.e. a pig of two litters, i.e. of two years. To a three year old pig, i.e. of three litters, i.e. of three years, i.e. in the third year it is killed. Three sacks, i.e. of wheat. For estimating, i.e. what the value is, i.e. which is for measuring according to estimation. Measuring, i.e. what the size may be.

A calf of the value of two sacks.

That is, a calf the price of which is two 'screpalls.' The fourth part of the stock which he has *received* for this *return*, and one-fourth of food is given by him, i.e. three cows is the stock *which has been given* for this calf, and nine 'samhaisc'-heifers its proportionate stock.

As to the calf of the value of two sacks, its proportionate stock is not found in books, but the proportion that is for the wether with its accompaniment, *is observed* with regard to it, and the excess *is made up* in minor foods *which are given* along with the calf worth two sacks.

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Cid fo derna co na fuil acht da ferendall ar in ag so, ocus co fuilit tri ferupuill ar in molt tuar, ocus cuirub mann riad doib? Ire in fat foderna, imurcruid do fomaidaib do berur leir in nag funn don flaith i naimrir gemrig; ocus don cineo do berur hé.

O'D. 1078-79.

[Ag loige tri miach, do dorn dec a timcomac, flan dia comairda, comgleith do fri bu blichtu o torach famriaid co tairbenad do flaith i naimrir gemrid, a tairbenad cach techta, co na meraib ocus a toimrib, co na foclaib techtaib; ocus tinne tri mer itir a tiug ocus a tana, ocht nduirn a fot, ceithri duirn a leithit, o deling co trechtum, ocus tri meich briacha do braich techta; ocus let meich tarrai; ocus imglaice do cainnlib ocht nduirn a fot.

Ag loige tri miach, .i. fe ba a riath in aige feo, .i. fe ba a tuaicrec ocus tri ferendaill a riu, ar ir aer colpaide fe ferendall he, uair nocon fuil failtine aice, ocus do rir midbaid do berar. Tri miach, .i. cruithnechta. Slan, .i. o buain ar. Comgleith, .i. ac gleith in feoir. A tairbenad, .i. amail dlegar. Cona meraib, .i. tri ferupaill. A toimrib, .i. na da dorn dec. Co na foclaib, .i. act mod for tallann tri mer. Tinne, .i. ma digset. Itir a tiug ocus a tana, .i. ir ann toimertar he. Deling, .i. muc da bliadan. Trechtum, .i. muc tri mbliadan. Ocht nduirn, .i. cacha cainble.

Ag loige ceithri miach e, colpach firenn, ceithri duirn dec a toimrib techtaib a timcomac, do erna flan ina dairtadar, do emet a da lon a dia arainn, comgleit do fri bu blichtu cona tairbenad, cen fuba

[1] *Above.* The rticle referred to is wanting in both copies of Cain Aigillne, in H. 3, 17, and H. 2, 15. A fragment of the article is quoted from the back of p. 226 of H. 2, 15, but its accompaniment or *obsonium* alone is there described.

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What is the reason that there are but two 'screpalls' for this calf, and that there are three 'screpalls' for the wether above' *referred to*, and that the stock *given* for them is equal? The reason is, because the excess *is made up* in minor foods which are given along with the calf here to the chief in the winter time; and this is given to the family.

A calf of the value of three sacks, twelve fists in girth, sound equally *after castration*, which grazed with milch cows from the beginning of summer until it is presented to the chief in the winter time, to be presented lawfully, with the estimations *of the value* and measurements, with its lawful tests; and a salted pig of three fingers between its thick and its thin, eight fists its length, four fists its breadth, from a two year old pig to a three year old pig; and three sacks of malt—of lawful malt; and half a sack of wheat; and a handful of candles eight fists in length.

A calf of the value of three sacks, i.e. six cows is the stock for *which* this calf *was given*, i.e. six cows its proportionate stock, and its value is three 'screpalls,' for it is of the age of a 'colpach'-heifer of six screpalls, for there is no expectation *of young* from it, and to a lowest man in the tribe it is given. Three sacks, i.e. of wheat. Sound, i.e. after being splayed. Which grazes, i.e. grazing the grass. Presented *to the chief*, i.e. as is lawful. With its estimations, i.e. three 'screpalls.' Measurements, i.e. the twelve fists. With its tests, i.e. the space which three fingers would measure. A salted pig, i.e. in thickness. Between its thick and its thin, i.e. it is there (*in that point*) it is measured. A two year old pig, i.e. a pig of two years. A three year old pig, i.e. a pig of three years. Eight fists, i.e. *the length* of each candle.

A calf of the value of four sacks, a male two years old, fourteen fists its lawful measurement in girth, which escaped safe *after castration* in its state of a 'dairt'-bullock, whose two haunches cover its two kidneys, which grazes along with the milch cows until it is presented, without any injury from disease;

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ngalair; tri meich bracha cen on cen ainim ar a cuilliu eric do flaith, ocus tinne tri mer a mbun laime, ar is isin alt medonach cach tomus cose anall, itir a tiug ocus a tana, ocht nduirn a fot, ocus ceithri duirn a leithit; ocus leth meich tarrai; ocus da imglaici do cainnlib co na toimrib techtaib.

Ag loige ceithri miach, .i. ceithri fesrail is fiu, da ba dec a tuscrecc, .i. cusa fiu leth na bo ar aire da forrmacht funn, .i. da ba dec rath in aige feo, .i. aer famairce, uair nocon fuil failtimhe aice, ocus do ocairig do berar. Colpach firenn, .i. colptaig, ire firenn, no rob firenn he ina colraig. Slan, .i. o buain ar. Cen fuba, .i. can galar da fodiuba. Cen on, .i. im éfeirbi. Cen ainim, .i. im fceatairgi. Cria cuilliu, .i. urdcuilltes co na bia eric ann don flaith o biar amlaid sin. Tinne tri mer, .i. ina tigset. A mbun laime, .i. a mbun mer na laimi; is ann toimistes iad. Cach tomus, .i. tomus na failte ocus na tinne. Itir a tiug, .i. is ann toimistes he. Leth meich, .i. cruithnechta. Do cainnlib, .i. amail a dubramar romainn.]

Ag loige fe miach.

.i. leth rath aire fo, tuilleb fis co roib leth na bo ann, ocus do biadaib in tuilleb.

O'D. 1079 :0

[Do cona forais, fiche dorn a timcomac, annlantus fadeirin do thiun aruin; ocus tinne laime in alt a mbonnaib mer do laim fir toimthi techta, itir a tiug ocus a tana, ocht nduirn a fot, ocus ceithri duirn a lethet; ocus ocht meich bracha do braich inraic, cen on, cen ainim, ar a cuilliu eric do flaith co na airigtib coirib; ocus miach cruithnechta cruaid inbid; ocus tri imglaice do cainnlib cona toimrib techtaib, ocht nduirn a fot cach itharna, ar a letha bun caca

three sacks of malt without fault or blemish which would incur 'eric'-fine to the chief; and a salted pig of three fingers at the root of the hand, for this is the average of every measurement hitherto *mentioned*, between its thick and its thin, eight fists in length, and four fists in breadth; and half a sack of wheat; and two handfuls of candles with the lawful measurements.

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A calf of the value of four sacks, i.e. its value is four 'screpalls,' twelve cows *are* its proportionate stock, i.e. that it is worth half the cow is the reason that it (*the proportionate stock*) is increased here, i.e. twelve cows is the stock for *which* this calf *was given*, i.e. it is of the age of a 'samhaisc'-heifer, for there is no expectation *of young* from it, and it is to an 'ogaire'-chief it is given. A male two years old, i.e. a young two-year old, it being a bull, or it was a bullock when a two-year old. Sound, i.e. after castration. Without injury, i.e. without having been emaciated by disease. Without fault, i.e. as to bitterness. Without blemish, i.e. without mawkishness. Which would incur, i.e. it is prohibited that the chief shall have 'eric'-fine for it when it is so. A salted pig of three fingers, i.e. in its *average* thickness. At the root of the hand, i.e. at the root of the fingers of the hand; it is there they are measured. Every measurement, i.e. the measurement of the bacon and the salted pig. Between its thick *and its thin;* it is there they are measured. Half a sack, i.e. of wheat. Of candles, i.e. as we said before.

A calf of the value of six sacks.

That is, half stock is *given* for this, and addition is made to it until it amounts *in value* to half the cow, and the addition is in articles of food.

A cow, with its accompaniment, twenty fists in girth, whose fat is one-third of its weight; and a salted pig *of the thickness* of a hand at the roots of the fingers of the hand of a lawful measurer, *at an average* between its thick and its thin, eight fists its length, and four fists its breadth; and eight sacks of malt—of pure malt, without fault, without blemish, which would incur 'eric'-fine to the chief, with its proper tests; and a sack of good dried wheat; *and* three handfuls of candles of the lawful measurements, eight fists in the length of each rush-light, and the

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rimne iar na airdbe cutruma graine frisi tomirter ordlach; tumud na cainnell a gein ocus urcca in carna.

Do cona forair, .i. ceithri ba fichet a rat fo, ocus ocht fcripaill ir fiu hi, .i. aer bo inlaigi feo, ocus do boairec do berar. Cona forair, .i. cus inni forfoiridnitter le do biadaib aile. A timcomac, .i. ana timcell. Do triun, .i. do triun ar meidi uirri. Tinne laime, .i. bar a tiget a tinne. In alt a mbonnaib mer, .i. ir ann toimirter hi fur in tinne. Do laim fir toimri techta, .i. do laim in ti do ni in tomus cu dligted. Itir a tiug ocus a tana, .i. ir and toimirter he. Do briaich iniaic, .i. dligdig. Cona airigdib coirib, .i. ir coraiti hi a fromad im a hairigdib, ut diximus. Miach cruithnechta, .i. ina gran. Fot cach itharna, .i. fot cacha cainnli dib iar na roinn da dligi do cur ita innti. Iar na airdbe, .i. iar na tercad. Cutruma graine, .i. compot in grainne eorna teit a tomus in ordlaid i mbun cacha rimni. Tumud na cainnel, .i. ar na fagbaider ac in deile, ocus na ruca in flait leir.]

Do cona foruir, fiche dorn a timcomuc.

.i. ceithri ba fichet, ocus cach baile ir bec in feoil ir mor in forair, .i. aer bo inntaoige fo, ocus do boaire do berur. In baile i fuil in bo ocus tricha crob ina tacmairi, bo blicht iride, ocus bo geilte in bo fin inora, ocus cinneo tomuis ata uirre; no dono, ir inann in fiche dorn fo ocus in tricha bar tall i mbrethuib nemie, .i. ceithre ba fichet i rath fo, ocus oct fcripuill ir fiu hi, .i. aer bo inntaigi feo, ocus do boaire do berar; ocus cemad e in grad ir iri do gebad in rath fo, cona tirta fo coruib ime, act a artud air, uair ir rath amuil follo, a deir dligeo ann.

O'D. 1080. [Ag loige meich, for fuluchd a ramrad, ocus ag loige ceithri miach, inbruithe a ramrud, ocus leith

[1] *Measured*, i.e. it is at the roots of the fingers the breadth of the palm is taken for this measurement.

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root of each rush after being cut being equal to the grain by which the inch is measured; the candles to be dipped in tallow and the grease of the flesh meat.

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A cow with its accompaniment, i.e. twenty-four cows is the stock *given* for her, and she is worth eight 'screpalls,' i.e. she is of the age of an in-calf cow, and to a 'bo-aire'-chief she is given. With its accompaniment, i.e. with the thing which is given in addition along with her of other sorts of foods. In girth, i.e. in her round. One-third, i.e. one-third of fat upon her. A salted pig *of the thickness* of a hand, i.e. a palm is the thickness of the salted pig. At the roots of the fingers, i.e. it is there it is measured[1] with the salt pig. Of the hand of a lawful measurer, i.e. of the hand of the person who measures it lawfully. Between its thick and its thin, i.e. it is there it is measured. Of pure malt, i.e. lawful. With its proper tests. i.e. it is the more proper by having been proved by its tests, ut diximus. A sack of wheat, i.e. in grain. The length of each rush light, i.e. the length of each candle of them after being divided to be peeled for putting grease into it. After being cut, i.e. after being stripped. Equal to the grain, i.e. of the length of the grain of barley which is used in the measure of the inch in the root of each rush. The candles to be dipped, i.e. that they may not be left to the tenant, and that the chief may not take them away with him.

A cow twenty fists in girth, with its accompaniment.

That is, twenty-four cows *is the stock*, and wherever the flesh is small *in quantity* the accompaniment is great, i.e. this is *when the cow is of* the age of an in-calf cow, and to the 'bo-aire'-chief it is given. Where the cow is mentioned as thirty hands in her girth, she is a milch cow, and she is a grazing cow now, and a fixed measurement is upon her; or else, indeed, these twenty fists are equal to the twenty hands mentioned in the 'Bretha Neimhe,' i.e. the stock *given* for this *cow* is twenty-four cows, and her value is eight screpalls, i.e. she is of the age of an in-calf cow, and to the 'boaire'-chief she is given; and though it should be *one of* a lower grade that receives this stock, the contract cannot be impugned, but it is fastened upon him, for the law says in this case, "The stock is as the property."

A calf of the value of a sack, to be roasted in the summer, and a calf of the value of four sacks, to be boiled in the summer, and half a salt pig the accompaniments of a male 'colpach'-

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tinne annlandtus colpaige fiuinne, ocus molt linas cach tolli, ocus caire lulaice lan do lemnacht, do bruith do millren co nimim fo fesa, ocus lan ueine tri nol do uachtar tais, cid a tri la ocus teora naidchi, cen fotana na fuba and, acht la co naidci ias na toisciu fria focul, co nepesar de na bi goistai inni olbui ane; ceitheora bairgena fichet do ban fuine, ocus im da dorn a leithet, ocus dorn a tigest; ocus ceithri imglaici laime toimi techta, ocus a do do glas cainnind, ocus a do do borrlus dor a mbel; muc nae nduirn a fot, da mes dia delg cum, ma i ngemriud; ocus ag da miach fos fuluchd.

Sic.

Ag loige ceithri miach, .i. ir riu tri fesruill, .i. ag danad log ceithri meich, ocus a tabairt feic, ias na mbruit, irin tframrad. Molt linas, .i. bir ina inadar da bronbit. Caire lulaice, .i. ir riu lulgaid. Tri nol, .i. feine. Fotana, .i. in medg. Fria focul, .i. don flait. Da mes. .i. da mes ina tigit a fbail ina tescar hi, ocus hi delg.

O'D. 1081. Caite tuiscseic cach besa o bicc co mor, ar coir fos cać ngrad, ar ni torgaib nach dirchor na mas? Mided cach a coir ar a torgaba a mama.

Caite tuiscseic, .i. caiti in cseic toiridnec fata do besar do cać grad iar fir, ar cać mbiad uair dib so. Tuiscseic, .i. na fata so sir. O bicc, .i. in biathad cetrair. Co mor, .i. in bo co na foraib. Ar coir, .i. ar coir do tabairt do cać ngrad. Ar ni torgaib, .i. uair noco torgabann, nocon firgabann in ti ar daescor, can tocus, can innracus, nać mor do gabail irin fath. Mided, .i. meiromnaiged cać a himne inni ir coir do gabail irin fath. Torgaba, .i. ar a torgaba in mougad, no in greim fognuma dlegar de.

Tuiscseic aige loige meic cona foraib, ocus fuilsriud trir i framrad, ocus mancuine .iii. e teora

Sic.

[1] *Accompaniment*, (*Fosair*), means everything necessary to be used along with the cow, such as bread, herbs, bacon, &c., &c.

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heifer, and a wether which has filled every hollow, and a milch cow's cauldron full of new milk, to be boiled to cheese curds with butter, and the full of the pan of three drinks of fresh cream, *which was formed* in three days and three nights, without thinness or injury, but *delivered* a day and a night after its being tested by the proper test, which proves that it is not bitter; twenty-four cakes of woman-baking, being two fists in breadth, and a fist in thickness; and four handfuls of lawful measurement, and two handfuls of green garlick, and two of green lecks, with its fruit; a pig nine fists in length, two fingers in the lean of it, if in winter; and a calf *of the value* of two sacks for roasting.

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A calf of the value of four sacks, i.e. which is worth three screpalls, i.e. a calf whose value is four sacks, and this is to be rendered, after being boiled, in the summer. A wether which has filled, i.e. which is filled in its intestines, &c. A milch cow's cauldron, i.e. *a cauldron* which is worth a milch cow. *A pan of* three drinks, i.e. *of the* Feini. Thinness, i.e. the whey. By the proper test, i.e. for the chief. Two fingers, i.e. two fingers in its thickness, where it is cut, and it being lean.

What is the proportionate stock for each food-rent from small to large, which is proper *to be given* to each grade, for no pauper takes the large? Every one estimates his right according to the nature of the service he undertakes.

What is the proportionate stock, i.e. what is the relieving fee of stock, which is given to every grade according to truth, for every noble food of these. Proportionate stock, i.e. these stocks down here. From small, i.e. the food for four persons; To large, i.e. the cow with her accompaniment.[1] Which is proper, i.e. which is right to be given to each grade. For no *pauper* takes, i.e. the person who is low, without wealth, without honour, does not attempt or undertake to receive much as stock. Is estimated, i.e. everyone estimates from his wealth what it is right to receive as stock. He undertakes, i.e. for which he has taken up the engagement, or the claim of service which is due of him.

The proportionate stock of a calf of the value of a sack with its accompaniment, and refections for three persons in the summer, and work for three days, is

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ramairci, no a log, cenmotha reotu tuirclaide caich fo miad, ocus gairced ocus mancuine ire ber foloing fertomun inrin. Ni techta fair ni ber mo, acht manora a athair fiam, ar ni fuca.

Tuircreic, .i. in creic toiriched do berer ar in aig danad log miad, cus inni forfoiritnither leir do biadaib aile. Fuirithiud trir .i. aen fear co cenn tri la, no triar i naen lo, .i. foiritniugad biata trir i ramrad. Mancuine, .i. in fear cada ramairce do berar ir in rath do denam in dunaid no na meithli; a rmaét ar threire, .i. ir ar rin gabar co na fear cada ramairce dlegar irin mancuine, uair tri ramairce a rath in aige feo ina mancuine in uair fiucra a lear, no arim ber fiu a enecgnir do cach aen, no ina aenmad fann fichet dia enechlann. Cenmotha, .i. uair bitid re taeb rin. Caich fo miad, .i. cach fo uairletaid, .i. ber fiu let numgi conad ni ba foir in aig fo. Gairced, .i. ga ocus fciat leir, .i. no dlegar in gairged fo la taeb cada turacreice do cach gnad. Mancuine, .i. ir e biad uair imfuilnger damna in fir, .i. gairid gilla no tamain fir .i. fleadeac bir irin domun imrim .i. in tecodnach. Fertomun, .i. damna fir, ocus coma da athair do gabad in rath, no comad in fiallach fil oc gabail ime adbertair frir a gabail. Ni techta, .i. nocho dligted do a gabail air ni ir mo na rin. Acht manora, .i. act munar hinnraiged a athair da gabail roime fiam, uair mano gabraide he, bud eicen dogam in fognaih do denum, no in rath dairec uad. Ar ni fuca, .i. uair ni beirend a calad.

O'D. 1032. Turchreic muilt cona foraib .ui. ramairci, no a log cenmotha reotu tuirclaide, ir e ber foloing aen cinnid imrein. Ni techta fair ni ber mo, ar ni fucai.

Cona foraib, .i. leir do biadaib aile. Ui. ramairci, .i. teora ba. Cenmotha reotu, .i. cenmuta na reoit do berar ar clodatar, uair biad re taeb rin. Ire ber foloing, .i. ire biad uair imfuilnger in tres bir don cinniud in ni rin. Ni techta, .i. noco dligted do a gabail air ni ir mo ina rin. Ar ni fucai, .i. noco beirend a calad.

[1] *Blush-fine*, is a fine imposed for injuring, or raising a blush on, the face.

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three 'samhaisc'-heifers, or their value, besides the returnable 'seds' to each according to his dignity, and valour and attendance are the food-rent to which the minor submits. It is not lawful *to impose* on him a greater one, unless his father before him had incurred it, for he could not bear it·

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Proportionate stock, i.e. the relieving fee which is given for the calf which is worth a sack, with the quantity of other foods required along with it. Refections for three persons, i.e. *for* one man to the end of three days, or *for* three men for one day, i.e. what is sufficient to feed three persons in the summer. Work, i.e. the man for every 'samhaisc'-heifer which is given as stock *is furnished in order* to erect the 'dun'-fort or to work at the harvest; the fine for it is to be paid in three days; i.e. the reason that a man for every 'samhaisc'-heifer is due for the work, is because the stock *for which* this calf is *due* is three 'samhaisc'-heifers *which are to be supplied* for his work when he shall require them, or when they amount to each one's 'blush'-fine,[1] or the twenty-first part of his honor price. Besides, i.e. because they shall be along with these *foregoing*. Each according to his dignity, i.e. each according to his nobility, i.e. they are worth half an ounce, so that two cows are given *as stock* for this calf. Valour ('gaiscedh'), i.e. he has a spear ('ga') and a shield ('sciath'), i.e. or *the exercise of* this valour is due along with every proportionate stock of each grade. Attendance, i.e. this is the noble food-*rent* which the minor[a] bears, i.e. the under-age youth or makings of a man, i.e. the youth who is in the land, i.e. the infant. Minor ('ferdomun'), i.e. the makings of a man, and it was by his father the stock was received, or it was the party who were suing him that told him to take it. It is not lawful, i.e. it is not lawful to lay a heavier imposition upon him. Unless *the father* had incurred it, i.e. but unless his father before him had applied for and obtained it, for if he had received it, he (*the son*) will be bound to perform the service, or return the stock. For he could not bear it, i.e. for he does not bear its severity.

[a] Ir. *Makings of a man.*

The proportionate stock of a wether with its accompaniment, six 'samhaisc'-heifers, or their value besides the returnable 'seds', is the food-rent which the sole survivor submits to. It is not lawful *to impose* on him a greater one, for he could not bear it.

With its accompaniment, i.e. along with it *a supply* of other foods. Six 'samhaisc'-heifers, i.e. three cows. Besides the *returnable* 'seds,' i.e. besides the 'seds' which are given to be returned, for they shall go along with these. Is the food-rent which *the sole survivor* submits to, i.e. this is the noble food-*rent*, which the one remaining of the tribe sustains. It is not lawful, i.e. it is not lawful for him to take upon him more than this. For he could not bear it, i.e. he does not bear its severity.

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Cid fodera conid mo frith in aen cinid funn ina frith in ecodnaig fomaind, ocus conid mo in tothcus fomaind? Is e fath fodera, mo tic don aen cinud fognam do denum da cuss don flaith, cid uad dech a tothcus, ina don ecodnach fomaind.]

Tuiscreic muilt.

.i. tri fsribuill is fiu é, ocus tri ba a frith, no ceithre fsribuill is fiu molt cana aigillne. On aen chined ata in fognum so, ocus teora ba do ogaire, ocus nochu narluigunn dligeth for in aen chiniud ni is moa ina sin do gabail a frith; ocus dia so gabad ni is mo ina sin, tiucfuit a chiniu fui, no a coibdealuig fui; ocus nocha namuil tarba don flaith frith do tobairt do muna tairi aitgin a fratha do, uair nocha nfuil aice chod, na inbleogain ar a tarluigthin.

Sic.

O'D. 1082. [Tuiscreic dartada cona forail, da fet dec. Is e ber foloing fer midbad in fein. Ni techta fail ni ber mo.

Dartada, .i. ag tri miach. Cona forail, .i. cus in ni forfoisitnigther le do biadaib aile. Da fet dec, .i. da fathaisc déc da tecait re ba. Foloing fer midbad, .i. cumad in fer midbad is ferr so gabad cuice.

Cid fodera conid mo frith in fir midbad is tairi, ocus conid ecodnach he, ina frith in aencinid fomaind. Is e fath fodera, ata fine ac in fir midbud do gni fognum da sia ales, ocus no con uil acon aen cinud.

[1] *Three cows.* In O'D. 261, the reading runs somewhat differently, as follows: —".i. re ba a frith in aigi reo ocus tri fsripuill a fiu, arus aer colpuige re reoit he, uair nocha nfuil failtinde aicde, ocus don fir midbuid do berar," i.e. six cows is the stock *given* for this calf, and its value is three

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What is the reason that the stock of the sole survivor here is greater than the stock of the infant mentioned before, and that the property in the case before is greater? The reason is, the sole survivor has it more in his power to do service with his body for the chief, though his property has left him, than the infant before mentioned.

The proportionate stock of a wether.

That is, three 'screpalls' is the value of it, and three cows are the stock *given* for it, or the wether of the 'Cain Aigillne' is worth four 'screpalls.' This service is due of the last survivor, and three cows to the 'ogaire'-chief, and the law does not require of the last survivor to accept of more than this as stock; and if he should receive more than this, his tribe shall oppose him *in the matter*, or his relatives shall oppose him; and it is of no advantage to the chief to give him stock unless he (*the tenant*) gives him restitution of his stock, for he has neither property, nor kinsman-surety to draw upon.

The proportionate stock of a 'dartadh'-heifer with its accompaniment, is twelve 'seds.' It is the food-rent which the man of the lowest class in the tribe submits to. It is not lawful that more should be *imposed* upon him.

Of a 'dartadh'-heifer, i.e. a calf of *the value of* three sacks. With its accompaniment, i.e. with the complement of other foods given along with it. Twelve 'seds,' i.e. twelve 'samhaisc'-heifers which amount to six cows.[1] Which the man of the lowest class in the tribe submits to, i.e. it is what the best man of the lowest class in the tribe submits to.

What is the reason that the stock of the inferior man of the lowest class in the tribe is greater, he being an infant, than the stock of the sole survivor mentioned before? The reason is, that the man of the lowest class in the tribe has a tribe who would perform service *for him* if required, but the sole survivor has not.

'screpalls,' for it is of the age of the 'colpach'-heifer of *the value of* six 'seds,' for there is no expectation *of young* from it, and to the man of the lowest class in the tribe it is given."

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Tuicfeic colpaige fiffinne .ui. feotu dec, no a log, cenmotha feotu tuicluide. If e bes foloing ocaifig in fein.

Colpaige fiffinne, .i. ceithi fefepall. .ui. feotu dec, .i. ocht mba ocus ocht famaifce, da tecait da ba dec.]

.i. cufub fiu let na bo, if aife do fofmacht funn, .i. ceithi fsfifuill if fiu, ocus do ba dec fath in aige fo, .i. aes famuisge, uair nocha nfuil failtinde aice, ocus don oganse do befus.

O'D. 1083. [Tuicfeic bo cona timtach tficha fet, cenmotha feotu tuicluide. If e bes foloing boaife in fein.

Tficha fet, .i. da tecait ceithi ba fichet, .i. ocht mba dec ocus da famaifc dec. If e bes, .i. if e biad uair foloing boaife in ni fin.

Ocus da ngaba gnad dib fain imaficfiaid tar na neichib fin atfubfiumus fomuind, tecas fo cofaib ime amuil caca ndochus. No dono ceana, cemad he in gnad if ifli dib conicfad in fath if mo do gabail, cona tistea fo cofuib ime, act a agtud ais, uair if fath amuil folo a dliged ann.

Tuicfeic biata cethfais bo, cenmotha feotu tuicluide caich fo miad; fos cetgiallna.

Fos cetgiallna, .i. do flait cetgiallna.

Tuicfeic biata ochtais da ba, cenmotha feotu

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The proportionate stock of a 'colpach'-bull is sixteen 'seds,' or their value, besides the returnable 'seds.' This is the food-rent which the 'ogaire'-chief submits to.

Of a 'colpach'-bull, i.e. *worth* four 'screpalls.' Sixteen 'seds,' i.e. eight cows and eight 'samhaisc'-heifers, which come to twelve cows.

The proportionate stock of a 'colpach'-bull, i.e. which is worth half the cow, and for this reason the increase is here, i.e. its value is four 'screpalls,' and the stock for which this calf *is due* is twelve cows, i.e. *it is of* the age of a 'samhaisc'-heifer, for it has no expectation *of young,* and to the 'ogaire'-chief it is given.

The proportionate stock of a cow with its accompaniments is thirty 'seds,' besides the returnable 'seds.' This is the food-rent which the 'bo-aire'-chief submits to.

Thirty 'seds,' i.e. which amount to twenty-four cows, i.e. eighteen cows and twelve 'samhaisc'-heifers. It is the food-rent, i.e. this is the noble food-rent which the 'bo-aire' chief submits to.

And if any grade of these should receive excess above these things which we have mentioned before, their contracts shall be impugned like every wrong contract. Or, indeed, if the lowest grade of them shall be able to receive the larger stock, his contracts shall not be inpugned, but they shall be rendered binding on him, for he is entitled to stock according to his property.

The proportionate stock of the food of four persons is a cow, besides the returnable 'seds' of all according to their dignity; *these are to be given* to *the chief who got* the first security.

To *the chief who got* the first security, i.e. to the chief who got the first 'giallna'-security.

The proportionate stock of the food of eight persons

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tuṡcluiḋe. Ḋilis do ceilib ocus ḋia comoṡḃuib seoit tuṡcluiḋe ocus ṡath tar aiṡḋiġ, acht ṡṡiṡṡoġnat a ṡlaithe, nacha ṡubat, nacha ṡomṡat, nacha toṡcṡiaat, na ḋeṡnat acais a mbais.

Tuṡcṡeic biata ochtais, .i. is seo cṡeic toisiṫneċ do beṡas as biathaḋ in oċtais. Rath tar aiṡḋiġ, .i. tar iasainḋiġ, in imaṡcṡaiḋ do beṡas as in ṡath as in usainḋiġ, as inḋiġ usain. Acht ṡṡiṡṡoġnat, .i. aċt cus ṡoġnat a ṡlaiṫi cu ḋliġṫeċ imin mbiathaḋ ocus imin manchuine teachta. Nacha ṡubat, .i. na ḋeṡnat ġuin na ṡlaṫa. Nacha ṡomṡat, .i. na ḋeṡnat a mbṡat. Nacha toṡcṡiaat, .i. na ḋeṡnat cṡeic is tar daeṡṡat do gaḃail o ṡlaiṫ eċtṡand. Na ḋeṡnat acais, .i. as na ḋeṡnat cin tṡes a ningintes a ṡlaiṫ do baṡugaḋ, .i. ḋul co mnai ṡlaṫa eċtṡann.

Mani ṡo esa ṡlaith seotu tuṡcluiḋe is ḋilus tṡian na set iar necaiḃ na ṡlatha ḋon ceili, mani ṡo metha ṡais ṡoṡs in cele. Ceni ṡo biatha eitis, ma ṡo biatha ṡa en, is ḋiles a lech na set; ma ṡo biaṫa ṡa ḋi, is ḋilis a ḋa tṡian na set; ma ṡo biatha ṡa tṡi, is ḋilis uili, mana ṡo metha ṡais.

Mani ṡo esa, .i. eiḃe eiaites im na setaiḃ tuṡcluiḋe, co tecmaic eca na ṡlaṫa ṡai iar sain. Is ḋilus tṡian na set, .i. is ḋiles ḋon ċeile tṡian in ṡaṫa iar necaiḃ na ṡlaṫa, a ḋualgus einiġ na tṡebuise, ocus nemṫabuiṡt seoit tuṡcluiḋe. Mani ṡo metha, .i. se neloġ im a setaiḃ tuṡcluiḋe. Ceni ṡo biatha, .i. cen co ḋeṡnaiter in biathaḋ, muna ṫainiġ aimsis in ṡognuma. Mana ṡo metha, .i. mana ṡo metha ais ṡoṡsin ceile in ṡognum do ḋenum, is ano ata sain, .i. cia ṡo meṫa.]

[1] *Two cows.* The commentator in O'D. 261, adds:—"The food for eight persons is not found *laid down* in books, but double the quantity of food which is for four persons is the complement for eight persons."

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is two cows,[1] besides the returnable 'seds.' The returnable 'seds' and the overplus food stock are forfeited to the tenants and their heirs, so as they have served their chiefs, so as they have not wounded them, so as they have not betrayed them, so as they do not receive illegal subsidy, so as they have not committed a crime which causes their death.

The proportionate stock of the food of eight persons, i.e. this is the relieving fee which is given for the feeding of the eight persons. Overplus food stock, i.e. overplus of food, the excess which is given as stock for the surplus food. So as they have served, i.e. but so as they have served their chiefs lawfully respecting the lawful food and work. Have not wounded, i.e. so as they have not wounded the chief. Have not betrayed them, i.e. that they have not committed a betrayal of them. Do not receive illegal subsidy,[2] i.e. that they have not dared to receive a fee above 'daer'-stock from an extern chieftain. That they have not committed a crime, &c., i.e. that they have not committed a crime through which the chief may be put to death, i.e. to lie with the wife of an external chieftain.

Unless the chief has given the returnable 'seds' the third of the 'seds' is forfeited to the tenant after the death of the chief, unless the tenant has failed to supply *the food to* him. Though he has supplied the food, if he has supplied the food but once, half the 'seds' are forfeited; if he has supplied the food twice, two-thirds of the seds are forfeited; if he has supplied the food thrice, they are all forfeited; unless there has been a failure.

Unless he has given, i.e. evasion has been made with respect to the returnable 'seds' until the death of the chief *happening* afterwards annuls it. The third of the 'seds' is forfeited, i.e. the third of the stock is forfeited to the tenant after the death of the chief, in right of the honor of the surety, and *to compensate* for the *chief's* non-giving of the returnable 'seds.' Unless he has failed, i.e. before the evasion of the returnable 'seds.' Though he has supplied the food, i.e. although the food has not been supplied, unless the time of the service had arrived. Unless there has been a failure, i.e. unless there has been a failure on the part of the tenant to render the service, this is a different case, i.e. though he did fail.

[2] *Illegal subsidy.* In O'D. 261, 'Torchriat' is explained to be that they receive not a reward, which is contempt to him, from an external chief, either of 'saer'-stock or 'daer'-stock, i.e. a 'taircrec' to injure him.

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Muna ro fearfa flaith feotu tuicliuide.

.i. muna eirne in flaith feotu ar cloitar. Cloid claithe ime co tecmaice éc na flatha fai iar sin, .i. ma flaith ber maith, .i. trian na ceithri mbo fichet don boaire ir ferr ina feotuib tuicliuid, cona diablaid.

Trebuire isin corus sine, ocus eloid sunn, an dis dilsigit trian na tuisrethe don ceile iar necuib na flatha. Muna ro biathaid isin ina betaig, is a soga in ceile dligtide ata in a trian na tuisrethe chuisser uaid, no in ceithri biada. Con da trian in bi do bera do comorba na flatha, muna ro biathaid in flaith isin in tan do bera feotu tuicliuche ocus tuisrethe. Ocus is amluid dono o comurba in boeisig do comurbu in aisig dera im a rath, muna ro biathaid flaith isin, amuil ro raidsiumur, co tobuisit fet tuicliuide.

Munu ro era flaith, srl, don cele.

Og dilsi in fratha ar tri biadaib, gu ngabur trebuire, gin tabaisit fet tuicliuid co tecmuisin ega na flatha; ocus is amluid ro foit side, a trian gan biad isin, ocus .ui. cetheir de in da cet biad, cuid trian, ocus trian ar in mbiad noegmuch a aenur. Ogdilsi in fatha ar .uii. mbiadaib, co ngabur trebuire, co tabuisit fet tuicliuid co teacmuisin ega na flatha; a letdilsi ar .iii. biadaib co let mbid; a trian dilsi ar da mbiad co trian mbid.

Dilus trian a fet iar necuib na flatha.

.i. a dualgus eimig na trebuire, ocus nemtabuisit fet tuicliuide, .i. in boaisig is ferr eluigthir im fechtaib tuicliuide, cona diablaid iar nelod do, .i. .uiii. mba; no is trian in fatha, cid bec cid mor, in telo sin, .i. trian na tuisrethe, d'aithed inoligid forsin flaith cin comuill na fet tuicliuide ro i ngeall,

[1] *Victuallings.* "Biatad" means 'eeding' victualling', 'supplying food.'

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Unless the chief has given the returnable 'seds.'

That is, unless the chief has given the 'seds' to be returned. Evasion had taken place respecting them until the death of the chief afterwards interfered with it, i.e. if the chief be substantial, i.e. the third of twenty-four cows *are given* to the best 'bo-aire'-chief for his returnable 'seds,' with the double of them.

The surety in the 'corus-fine,' and the evasion here, both render the third of the proportionate stock forfeited to the tenant after the death of the chief. If no food had been supplied at all during his lifetime, the tenant has his choice either to return two-thirds of the proportionate stock, or *make* four payments of food. It is the two-thirds of the food *due* that must be paid to the heir of the chief, if the chief has not been supplied with victuals at all after he had given the returnable 'seds' and the proportionate stock. And this is the case with respect to the payment made by the heir of the 'bo-aire'-chief to the heir of the 'aire-desa'-chief for his stock, unless the chief had not been victualled at all until the giving of the returnable 'seds,' as we have said before.

Unless the chief has given, &c., to the tenant.

The full forfeiture of the stock is incurred by three victuallings,[1] with taking of security, without giving the returnable 'seds' until the occurrence of the death of the chief; and the way it comes to this is, one-third without any food at all, and one-sixth for each of the two first foods, making one-third *more*, and one-third for the last food alone. The full forfeiture of the stock is caused by seven victuallings, with taking of security, and giving the returnable 'seds' before the occurrence of the death of the chief; half forfeiture for three victuallings and a half; one-third forfeiture for two victuallings and one-third.

One-third of the 'seds' is forfeited after the death of the chief.

That is, in right of the honor of the surety, and the non-giving of the returnable 'seds,' i.e. the best 'bo-aire'-chief is evaded with regard to the returnable 'seds,' so that double is due to him after the evasion, i.e. eight cows; or it is the one-third of the stock, be it large or small, that is *due for* this evasion, i.e. one-third of the proportionate stock, to revenge his illegality upon the chief for not keep-

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cotic trian in fratha ar a fgath, iar tabuirt da biaid do, dus in icat in fet tuircluide; cuic feifid in fratha fagbus fri ceċtar de in da biaid. Do fonud etrocuire frif in trer mbiaid, cuic trian ocus feifiud in trian ar in mbiaid fech cad mbiaid, méd a airille in cele frif in flaith, ocus fot na nee sin fo follusigurtar cen feodu turcluide do ic; no dono, is im a log nenech atrulla in flaith cona trian na ceithre mbo fiched, diabul einecluine faide, iar neloid. No is aire derbu cu naisechus ecta bec oca, fo gab ceithre ba fichit, cona oct mba ocus da fichit iar neloid; no is da ba dec leth frath boaire, ocus cethre ba a trian; no dono it fe ba don ocaire is ferr, no teora ba don ocaire is tairre i lethfrath, cona trian na tuircreice sin do cach ae ina einecluinn, gin eloid; no dono ire a etrocaire in trlecta fo, cach aen dianu mo a einecluinn iar neloid, no einecluinn cen eloid, ina trian a fratha; a trocar intide is lugu.

Ma fo biatha fa oen frifin, is dilis leth na fet. Mad fo biatha fa di, is dilis a da trian. Mad fo biatha fa tri, is dilius uili, maine fo metha fair.

Ma fo biatha fa oen, .i. feifid in da trian do tuillid taisech, cona let famluid, .i. feifid tormuigur in biaid. Leth na fet, .i. a leth la mbiad, ocus a let iubaile in trif sin, no in trin sin. A da trian, .i. trian la fuidiugud aenur. Maine fo metha, .i. maine fos metha fos in ceile in fognum do denum, is ann ata sin.

Tri biada is fiu fecht mbiada so, ocus a comlogud on ceile ocus on flaith a tabairt i tri fectaib. Tri biada do fiad in ceile

[1] *The sixth of the two-thirds.* Some unaccountable confusion, according to Dr. O'Donovan, has here crept into this commentary. It should stand thus:—

If he has victualled once, i.e. if the tenant has supplied the due complement of food to his chief *once*, it forfeits to him one-half the returnable 'seds.' If he has victualled twice, i.e. this second instalment increases the forfeiture by one-sixth, i.e. one-sixth added to the one-half, which the first instalment merits,

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ing his word about the returnable 'seds' which he had promised, so that one-third of the stock is *forfeited* on account of it, after two victuallings had been rendered, to see if he would pay the returnable 'seds;' so that he forfeits one-sixth of the stock by each of the two victuallings. Severity has been exercised with respect to the third victualling, for this food beyond every other food causes a forfeiture of one-third and one-sixth of a third, *on account of* the great desert of the tenant towards the chief, and the length of the time during which he (*the chief*) neglected to pay the returnable 'seds;' or, indeed, it is for his honor-price the chief escapes without *paying a heavier penalty than* one-third of the twenty-four cows, the double of his honor-price, after evading. Or it was the 'aire-desa'-chief with the dignity of the inferior '*aire*-echta'-chief, who had received twenty-four cows, which are *increased to* forty-eight cows after evading; or twelve cows are half the stock of the 'bo-aire'-chief, of which four cows are the one-third; or six cows *are given* to the best 'og-aire'-chief, or three cows to the lowest 'og-aire'-chief, as half stock, and the third of that proportionate stock is *due* to each as his honor-price, without evasion; or else the severity of this kind *of law* is in the case of every man whose honor-price after evading, or without evading, is greater than the third of his stock; its leniency is when it is less.

If he has victualled once, half the 'seds' are forfeited. If he has victualled twice, two-thirds are forfeited. If he has victualled thrice, it is all forfeited, unless any failure has been made by him.

If he has victualled once, i.e. the sixth of the two-thirds[1] which he deserved first, with one-half in like manner, i.e. the food (*i.e. the second instalment*), increases one-sixth. Half the 'seds,' i.e. their half by the food, and half the time of those three, or of that third. Two-thirds, i.e. a third *is forfeited* by *the third instalment* alone. Unless any failure has been made, i.e. unless there has been a failure by the tenant to perform the service, it is then these are (*i.e. these forfeitures take place*).

These are three victuallings which are worth seven victuallings, and their equivalent is to be given by the tenant and the chief at three different times. Three victuallings the tenant gave here

is two-thirds. If he has victualled thrice, i.e. this instalment of food alone causes the forfeiture of one-third of the 'seds.' Unless any failure, i.e. all these forfeitures will hold good to the tenant, unless he has failed to perform the services due to his lord, as well as to render the proper supplies of food.

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ṡunn don ṗlaiṫ, ocuṡ ṡe ina inḋligeḋ. Iṡ aiṁe na ḋligenn a comoṙba ní on ceiṫi aṙ meiṫ in lóiṡḋi do ṡiṡne in ceiṫi ṡiṡin ṗlaiṫ, uaiṙ ni ḋliṡ ṗlaiṫ ni ḋe ocuṡ ṡe in a inḋligeḋ; no iṙ ṫri biaḋa iṙ ṡiu ṡeċt mbiaḋa beca, do beṙṫa do na comoṙbaiḃ, iṙṡeḋ do ṙat ṡunn don ṗlaiṫ, uaiṙ cin co ṫaṙḋ in ṗlaiṫ ṡeoiṫ ṫuṙcluiḋi, diamaḋ ṙoṙ ṫaṙṙingaiṙe, no ṙollaiġeḋ on ceiṫi no beṫ, iṙ ṡeċt mbiaḋa don comoṙba, no biṫ aṙṫaḋ don ṗlaiṫ; no ce no elaiḋṫea imin ṡeṫ ṫuṙcluiḋe, dia nicaiḋ in ṗlaiṫ ṙṫuṙ ṙiach a inḋligiḋ, no biaḋ biṫh aṙṫaḋ in ceiṫi don ṗlaiṫ, no ṡeċt mbiaḋuiḃ dia comoṙba; ṫri biaḋa co ngaḃuiḋ ṫṙebuiṙe.

Dilius cach tuscreic iar fognum techta cen mech, cin follugad, cen elgain, cin ecell, cen eirlis, co cenn fecht mbliadan, mad flaith ber marb. Nimta mad in celi ber marb; dligid in flaith ceilsine dia comorbuib in celi ar de mis fri manchuine, fri fuisire, fri gell, fri dail, fri digail, fri rubu, fri ruba.

Dilius cach tuscreic, .i. ratha co feota tuscluide on flaith, .i. is dilus gach cruc toisitiniuc do rat iar ndenum imu acht in fognuma on cele, .i. ar fecht mbiada. [Iar fognam, .i. iar ndenum in fogunma cu dligdec don ceile imin mbiathad.] Cen mech, .i. imin mbiad anfeirta in cumul de, .i. aitgin in bid. Cin follugad, .i. imin mancuine. Cen elgain, .i. im gain, .i. na henecluinde. Cin ecell, .i. im an mbrath. Cen eirlis, .i. cin ailfead lega na flatha. Co cenn fecht mbliadan, .i. is ann is dilus. Mad flaith ber marb, .i. is ann ata sin; log eniuch ar aisitin in daesraith, cid bec in rat, ocus bith fastad on cele, cid bec in rat, o do berus na feoit tuscluide. Nimta mad in celi ber marb, .i. ni hinunn lium, .i. nocha namluid sin ta. Dligid in flaith ceilsine, .i. caisde mis on flaith. Dia comorbuib, .i. co tais nechtar de, .i. a innile no cele. Fri manchuine, .i. coimitecta. .i. fer gaca samuisce i sloig. Fri

O'D. 1081.

[1] *A man for every 'samhaisc'-heifer.*—The tenant was obliged to supply the chief with a man for every heifer which the chief had given him as stock, whenever he required men to reap the harvest, or go on a military expedition.

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to the chief, while he was acting illegally. The reason that his heir is entitled to nothing from the tenant is because of the amount of payment which the tenant has made to the chief, for the chief is entitled to nothing from him while he (*the chief*) is acting illegally; or it is three victuallings which are worth seven small victuallings, which should be given to the heirs, which are given here to the chief, for although the chief has not given the returnable 'seds,' though they had been promised, or if neglect had been committed by the tenant, seven victuallings shall be *rendered* to the heir, or he shall be bound to the chief; or though he (*the chief*) should evade as to the returnable 'seds,' if the chief should pay to him (*the tenant*) the fine of his illegality, the tenant shall be held bound to the chief, or *to render* seven victuallings to his heir; three victuallings before his taking security.

Every proportionate stock is forfeited after lawful service *rendered* without failure, without neglect, without malice, without treachery, without negligence, to the end of seven years, if it is the chief who has died. Not so if it is the tenant who has died; the chief is entitled to service from the heirs of the tenant in two months for attendance, for *supplying the viands for* the banquet, for *redeeming* pledges, for the meeting, for revenging, for service of attack, for service of defence.

Every proportionate stock is forfeited, i.e. the stock with the returnable 'seds,' is *forfeited* by the chief, i.e. every relieving fee given as stock is forfeited after the service has been performed by the tenant, i.e. in *supplying* the seven victuallings. After service, i.e. after the service is done lawfully by the vassal in respect of victualling. Without failure, i.e. as to food for which the 'cumhal' would be due of him, i.e. restitution of the food. Without neglect, i.e. as to the manual work. Without malice, i.e. wounding, i.e. of the honor-price. Without treachery, i.e. as to betraying. Without negligence, i.e. without neglect of the welfare of the chief. To the end of seven years, i.e. it is then it is forfeited. If it is the chief who has died, i.e. it is then it is so; honor-price *is due* on receipt of the 'daer'-stock, be the stock ever so small, and the tenant is bound, let the stock be ever so small, when the returnable 'seds' are given. Not so if it is the tenant who has died, i.e. I deem it not alike, i.e. the case is not similar. The chief is entitled to service, i.e. there is a respite of one month *given* by the chief. From the heirs *of the tenant*, i.e. until either is given, i.e. his cattle or *another* tenant. For attendance, i.e. for accompanying *him*, i.e. a man for every 'samhaisc'-heifer[1] on a hosting. For the banquet,

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Fairire, .i. fri foirithiuga bid do damaib, .i. biad nairbithe. Fri gell, .i. dul lair do fuarlugad a gill, .i. tar a éeann. Fri dail, .i. aenuig, .i. dul lair do chum dala. Fri digail, .i. grefi cineoil. Fri rubu, .i. roime fri rinn ocus bealatha ocus cruiche. Fri fubu, .i. fri luingfeda, ocus ecdaige, ocus macu tire.

Dilgi in ratha ar tri biadaib, co ngabaid trebuire, cin tabuirt feodu tuircluithe co teacmuigin eca na ratha .i. trian, gan biad etir, ocus feigeb cechtar de in da cet biad, ocus trian ar in tres mbiad.

Dilgi in ratha ar fecht mbiadaib, co ngabaid trebuire, co tabuirt feodu tuircluithe, co teacmuigin eca na ratha; a lethdilgi ar tri biadaib co let mbid; a trian dilgi ar da biadaib co triun mbid.

Cid fo dera cu bruil dilgi trian in ratha funn cin biad itir, ocus dilgi a da trian ar da mbiadaib, ocus co nabuir tall i fut feineachuir "nad dilius dag rat derci na ratha" fri, uair cid do rata in da biad tall, muna tarda in tres biad, ni bruil ni ar a fgat? Acta biad ac in éeli tall, ocus ni hail do a tabuirt, ocus is ail le comorbu na ratha in biad do tobuirt doib.

Sunn imurro ni bruil in biad ac un éele, no ce ta, is comdeoin do niat etarruid; ocus in flait is marb ann sin; ocus ma se in cele is marb ann, cid mor do biud do rat don flaith, munu gabad trebuire re dilgi in ratha, ni dilig in rat do na comarbaib, ocus ised dlegar cele ar mís, no comruinn dibaid don flaith. Mare in flaith is marb ann, ficc.

O'D. 1085. [Dilig cach meath, cach folugad, cach fuilliud, cach fuillem, forfuilleth forsin ceili, mana forngartar do fia necaib, ar marbaid cach marb a cinta. Do ba a fallaib ratha na bi cin for comarbaib mana ro follaiged fadesin iar necaib a nathar.

[1] '*Feineachus.*' Something has been omitted here in the MS., and hence the passage is obscure.

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i.e. for supplying food to banqueting parties, i.e. the defined food. For *redeeming* pledges, i.e. to go with him to redeem his pledge, i.e. for him. For the meeting, i.e. of a fair, i.e. to go with him to the meeting. For revenging, i.e. a family quarrel. For service of attack, i.e. *to go* before him in promontories, and passes, and marches. For service of defence, i.e. against pirates, robbers, and wolves.

The stock is forfeited for three victuallings, with receiving of security, without giving the returnable 'seds' until the occurrence of the death of the chief, i.e. one-third, without any food *having been rendered*, and a sixth for each of the first two victuallings, and a third for the third victualling.

The stock is forfeited for seven victuallings, with receiving of security, with giving of the returnable 'seds,' till the occurrence of the death of the chief; the half of it is forfeited for three victuallings and a half; the third of it is forfeited for two victuallings and one-third.

What is the reason that the third of the stock is forfeited here without any food at all *being rendered*, and that the forfeiture of two-thirds is for two victuallings, and that it is said elsewhere in the 'Feineachus'[1] "that a good stock is not forfeited by the chief, &c.," for although the two *payments of* food were rendered in the other case, unless the third *payment of* food was rendered, there is nothing in lieu of it? The tenant has food in the other case, but he does not like to give it, while the heirs of the chief desire the food to be given them.

In this case, however, the tenant has not got the food, or even though he has, a mutual agreement has been made between them; and it is the chief that is dead in this case; but if it is the tenant that is dead, though he may have rendered ever so much food to the chief, unless security has been taken for the forfeiture of the stock, the stock shall not be forfeited to the heirs, and what is right to be done is *to procure* a tenant in one month, or the chief divides the inheritance. If it is the chief that is dead, sic.

Every failure, every neglect, every addition, every interest, which are demanded of the tenant are forfeited, unless they are demanded of him before his death, for every dead man kills his liabilities. It results from the neglects of the chief that there is no liability upon the heirs *of his tenant* unless they themselves have committed default after the death of their father.

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Meath, .i. in cumal. Follugad, .i. in manchuine, no in eneclann. Fuilliud, .i. in aithgin, .i. fuillem, .i. in diabliud, .i. dilig don ceili; a methar fair a fallaib flatha ni tobong ar dia comarbaib iar na ecaib. Foruilleth, .i. ro foileadad for frin ceile, no ra himluaidet. Mana forngartar, .i. muna timgartar air he, .i. a rad, no muna acartar air he'fe necaib, .i. a rad. Ar marbaid, .i. uair eblid a cinta mar aen fir in cach ir marb, can ni ir mo na aithgin o na comarbaib, in inbaid ro bar a faill ocus a netrebuire impu, can a nacha air fe na ecaib. Do ba a fallaib, .i. dibdaidir on flaith frin tre na faill. Na bi cin, .i. noco bi ni fe taeb aithgena in fratha for na cometaigib orba, muna dernat na comarba budein faill iar nécaib an adar.]

In comorbu na dear ro fertar ni fuille forru dall na doirche, na brechtnaigthe, na inderb, na ainrechta, na ainbechta; acht aithgin i cach i cumu cert, iar faillriugad, ar ni diuparar dinach marb muin cin folluga, cin ealgain, cin egill, cin erlig.

Na dearb ro fertar, .i. do fetaib flatha leo, ar ni diuparar in flaith dia fetaib do beir dia ceile atbaill. Ni fuille forru dall, .i. nad ni ir deimin leo do dlegtin dib, na bit a faill ime gan a ic, .i. in fmacht, .i. nochan foletann orru ini ir dirolur ar fein. Na doirche, .i. gan fiadnuib. Na brechtnaigthe, .i. gin feanchuide, .i. dlegar ar in dar fer ni dlegar on alaile. Na inderb, .i. forrtuch ocus dithud, .i. dearb inderb gan nadmunna. Na ainrechta, .i. gan narcuire, gan fratha, no amdiriatuige, .i. ar eicin tucud fair. Na ainbechta, .i. a mbeoidacta, .i. ni fairgaib in beo fri huidecht ar néla

[1] *Demanded.* The gloss in O'D., 266, runs somewhat differently, as follows:—Which are demanded of the tenant, i.e. which accumulated upon the tenant, i.e. *fines for* failure, i.e. failure of service which was due of the tenant here, and these are the 'eric'-fines of failure of service in 'daer'-stock tenure without evading suit; but in 'daer'-stock tenure addition runs for neglect of service, as thou hast said before in the text, i.e. a 'cumhal,' and double and honor-price. Unless demanded before death, i.e. unless they are demanded of him before his death, or unless it has been told him before his death, i.e. unless they are demanded of him in his lifetime, they are forfeited by the chief: for the tenant left it *as his declaration* when dying, that the chief was entitled to nothing from him, but that he had paid all: and if the chief

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Failure, i.e. the 'cumhal' (*the fine for failure*). Neglect, i.e. of the manual work, or the honor-price. Addition, i.e. the restitution. Interest, i.e. the double, i.e. it is forfeited to the tenant: all that was withheld by him through the neglects of the chief shall not be demanded of his heirs after his death. Which are demanded,[1] i.e. which accumulate upon the tenant, or which were incurred by him. Unless they are demanded, i.e. unless they are demanded of him, i.e. are declared or claimed of him before his death, i.e. the demand. For *every dead man* kills, i.e. for his debts die with every one that is dead, nothing more than restitution being due of the heirs, when there was neglect and non-security respecting them, and they were not demanded of him before his death. It results from the neglects, i.e. the chief is deprived of this on account of his neglect. There is no liability, i.e. there is nothing besides restitution of the stock upon the heirs to the land, unless the heirs themselves have committed neglect after the death of their father.

The heirs are not protected in respect to what is certainly known, by darkness or obscurity, or want of written evidence, or want of proof, or illegality, or illegal bequest; but *they shall pay* restitution for everything after a proper manner, after *proper* showing, for he (*the chief*) shall not be defrauded of his death-benefits when he is not guilty of neglect, or malice, or treachery, or negligence.

What is certainly known, i.e. of the 'seds' of the chief with them *in their hands*, for the chief shall not be defrauded of his 'seds' which he had given to his tenant who had died. Are not protected by darkness, i.e. as to everything that they are sure is due of them, they should not neglect to pay it, i.e. the 'smacht'-fine, i.e. that which is obscure to himself is not a screen to them. Or obscurity, i.e. *being* without witnesses. Want of written evidence, i.e. without a historian, i.e. it is required of the one man, not of the other. Want of proof, i.e. assertion and denial, i.e. uncertain proof without guarantees. Or illegality, i.e. without a contract binder, without guarantee, or a forced law, i.e. by force it was imposed upon him. Or illegal bequest, i.e. their life bequests, i.e. what the living man has left by will after evading,

were present it would be his duty to prove against the tenant. *As to* whatever the tenant has failed in during his lifetime, unless it is obtained of him in his lifetime, there is no interest upon him after his death, nor upon his heirs. The neglect of the chief, i.e. the chief is deprived of this in consequence of his neglect. There is no liability on the heirs, i.e. neither the 'smacht'-fine nor the double, which was due of their fathers, although the father acknowledged such, for the chief has neglected to sue the tenant, and it was not necessity that compelled him, i.e. there is neither increase nor growth nor addition due of the heirs to the land, nothing more than restitution, unless they themselves have committed neglect after the death of their father.

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ocus cia no ela ni dligfid flaith ni ind acht aithgin ma fo follaigeð, .i. ini na betaigeann in beo fri hudacht, .i. a mbelaib frit graiò fe hudacht, .i. munus fagaib in beo fri hudacht. Acht aithgin, .i. aitgin in cutruma dlegar dib in gach ni do fer cirt iar na bet cona follus é, .i. na haitgena in tan bis cunntabuirt fuirri. Ar ni diuparar, .i. ar nochon diubuirthus neach, cin maine mar a dligus do tabuirt do ma aitgin, no in uiliatuige in inbuid na rabus i faill, maine trebuire uime, .i. cin maine do on marb sin, .i. da ndernu in flaith indligeð marbda fer in cele, is diles do in frath, ocus imgar fer tre anfoltaib flatha.

Ma indligeð eile do gne in flaith fesin cele, is dia imgar frus tre anfoltaib flatha, ocus ní dilus in frath.

Cid bé ni dlegar don cele, nocha dligunn ini do geb is in frath do chur inn, ocus cid atgabail gabus de, nocha ndeodus na feoit do geb isin frath do gabail innti, no cusa fognu in frath amuil adubramar fomuinn.

Cin follugad, .i. im in manchuine ocus im in mbiaid, .i. ima cumgi .i. cin faill oc do legaid do gan agra na fiach ar na comarbaib fe na nég. Cin ealgain, .i. imin ngain. Cin egill, .i. imin mbrath. Cin erlis, .i. cin ailgiud legha dingaire, .i. cin in cele do brath don flaith.

Dilus do celiu i metus fair a fallaib na flatha ni tobungaur dia comarbaib iar necaib.

.i. cach ni uile aidbiur an flaith forsin cele, itir cumuil, ocus diablaid, ocus enechlann, ocus aitgin, is flan don cele ma do frat a cubus fe bar cuna fo dlecht in flaith, ar ni froibe, cidut berar a bet, no co fo maith biad no da biad don cele ina betaid. Muna follaigeð imurro in flaith, fo bud lais imdenum for in cele ina betaid; no dono cia fo bui in met fo on cele, ma fo follaigeð in flaith co bar in cele, ni dlig acht aitgin.

Tairchreic cacha beura o beus co mour, doneoch do fuirmirium is for cetgiallna techta; mad alu cus do

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and though he has absconded, the chief is then entitled to nothing for it but restitution for what was neglected, i.e. the thing which the living man does not support by will, i.e. before a man of dignity by will, i.e. unless the living man has left it *to a sensible adult* by will *at his death*. Except restitution, i.e. restitution of the complement due of them in everything according to right after being properly explained *by witnesses and historians that it is due*, i.e. of the restitution when there is doubt upon it. For he (*the chief*) shall not be defrauded, i.e. for no one shall be defrauded, but such property as he is entitled to must be given him as restitution, or as entirety when there has been no neglect, and unless security has been given, i.e. unless he has been *defrauded of* his property by the dead man, i.e. should the chief commit illegality of killing against the tenant, the stock is forfeited to him (*the tenant*), and he (*the tenant*) shall separate from him on account of the disqualification of the chief.

If it be another *kind of* illegality that the chief has committed against the tenant, it is right to separate from him in consequence of the disqualification of the chief, and the stock is not forfeited.

Whatever is due of the tenant, it is not right to regard as part of it what he had received as stock, and if it be distress that is taken from him, it is not lawful to take in it the 'seds' which he had received as stock, until the stock is compensated for in the manner which we have already mentioned.

Not guilty of neglect, i.e. respecting the work and the food, i.e. in his power, i.e. he has not committed complete neglect in demanding the debts of the heirs before his death. Not guilty of malice, i.e. as to wounding. Not guilty of treachery, i.e. as to betraying. Not guilty of negligence, i.e. not to neglect his welfare, i.e. the tenant not having been betrayed by the chief.

What has been neglected by the tenant in consequence of the neglect of the chief shall not be recovered from his heirs after his death.

That is, *as to* everything which the chief sues of the tenant, whether the 'cumhal'-fine, the double, honor-price, or restitution, the tenant is quit, if he had declared on his conscience before his death that the chief was not entitled *to any thing*, for there was *no evidence*, though it is said that there was, that he had *not* forgiven one *payment of* food or two *payments of* food to the tenant in his lifetime. But if the chief had not neglected, it was his duty to prove it against the tenant in his life-time; or, indeed though this failure had been *really* committed by the tenant, if the chief had neglected *to sue him* until the death of the tenant, he is entitled to nothing but restitution.

The proportionate stock of every food-rent from small to great, which we enumerated, is given by the

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earban a .trian don tauiscreic; ma trer cuil, do erbun a lech, ar it lugha a meatha ocus a riar fride.

Tuiscreic, .i. creic toiriched do berar ar gach mbiad uair o bec mbid co mor mbid. Do ruirmirium, .i. ro fairgriumur romuinn. Ir for cetgiallna techta, .i. ir o flaith céitgiallna dligtig ata sin in lan rath. Mad alu cur, .i. led no da trian fomuine do, .i. má e in tí cuiriur in dara cor ceilgine, flaith forgiallna, do earbunn a trian don tuiscrec don rath, .i. fomuine doib iar na tuiscrec, .i. ir munn baithad doib a triur, cid lugha forgiallna ocus cuitri, co rucur i ri ocus cuic tire diubraithir. Ma trer cuir, .i. do erbunn led in foglumha a dubriumur romuinn, .i. led no trian fomaini do uad, .i. ma é inti cuiriur in trer cor ceilgine, do earbunn a leth don crec
O'D. 1086. toiriched [a lech fogluma atrubramar fomainn uad, .i. ir fe fri in fat on. Ar it lugha, .i. ar ir lugha in ni ata doib a meat a mbid. A meatha, .i. in an cumal. Ocus a riar, .i. a fuil do riarair doib, .i. im an caecaid.]

Cumul fichit feoit cu ndiablad naitgiu nech ro meatha meat mbid flatha cetgiallna. Leth cumul dech feoit la diabliud nech meatar meat mbid alu chuir. Cethruime cumuile cuic feoit la diabliud naitgiu nech meatar meath mbid trear cuir.

Cumul fichit feoit, .i. da teagait dec mba, .i. led nuinge, .i. dec nuingerire .i. la aitgin, cuna diabladó inec ro metar ann, .i. ir ann ata sin. Leth cumul, .i. led na cumuile fomuinn, dec feoit da tegaid cuic bai, .i. cuic bai—; dairthe a indligid for forgiallna, ocus for cuitrig rat do tabuirt do cele, ocus rat eile fair, ir aire ir bec a fmacht. Meat

[1] *Paid.* The arrears of rent due for land must be paid before every other claim.

[2] *Less*, i.e. less than that due to the 'cedgiallna'-chief, i.e. the chief who got first securities.

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lawful chief who got the first securities; if it be the second contract, the third of the proportionate stock is substracted; if it be the third contract, the half of it is subtracted, for their failures and their services are less.

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Proportionate stock, i.e. the relieving fee which is given for every noble food from small food to large food. Which we enumerated, i.e. which we have said before. By the lawful chief who has got the first securities, i.e. it is from the lawful chief who got the first securities this full stock is *received*. If it be the second contract, i.e. one-half or two-thirds of the profits *are given* to him, i.e. if it be the person who has imposed the second contract of tenancy, *i.e.* the chief who got the second securities, the third of the proportionate stock, *or* the subsidy is taken off, i.e. profits *are given* to them after *receipt of* their proportionate stock, i.e. the food rendered to the three *chiefs* is equal, though *the chief who got* the second securities, and *the chief who got* the third securities, are lower, until land is given *by them*, the part due for the land is fully paid.[1] If it be the third contract, i.e. half the service which we have said before, i.e. one-half or one-third of the profits is taken from him (*the tenant*), i.e. if it be the person who has imposed the third contract of tenancy, (*i.e. the chief who got the third securities*), one-half of the proportionate stock shall be taken away *from the tenant*, and half the service which we have mentioned before shall be withheld from him (*the chief*), i.e. this is the cause indeed. Are less, i.e. for what (*the fine which*) is due to them for failure of their food is less.[2] Their failures, i.e. as to the 'cumhal.' And their services, i.e. the number of services due to them, i.e. for the fifty.

A 'cumhal' of twenty 'seds' with double restitution for the thing failed in *is the fine* for the failure of the food of the chief who got the first securities. Half a 'cumhal' of ten 'seds' with double of the thing failed in *is the fine* for the failure of the food of the second contract. The fourth of the 'cumhal' of five 'seds' with double restitution for the thing failed in *is the fine* for the failure of the food of third contract.

A 'cumhal,' of twenty seds, i.e. which amount to ten cows, i.e. of half an ounce, i.e. ten true ounces, i.e. with restitution, so that it is the double of the thing *in respect* to which failure had occurred, i.e. it is for it this *fine* lies. Half a 'cumhal,' i.e. half the 'cumhal' aforesaid, *i.e.* ten 'seds' which come to five cows; i.e, five cows; the reason why the 'smacht'-fine is *so* small is to revenge his illegality upon the *chief who got the* second securities, and the *chief who got the* third securities for giving stock to the tenant, he having had another stock

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mbiṫ alu chuiṛ, .i. flaith foiṛgiallna. Ceathṛuime cumuile, .i. ceathṛuime na cumuile na noeċ mbo, na ba ocuṛ famuiṛc. Nech meaṫuṛ .i. no meaṫuṛ ann. Meath mbiṫ ṫreaṛ cuiṛ, .i. in ṫi chuiṛiuṛ in ṫreaṛ coṛ ceiliṛne foṛ in cele, .i. flaiṫ cuiṫriġ.

Cid bec ṫra in biaṫ meathuṛ ann, iṛ cumul ind do cetgiallna, ocuṛ leṫ cumul do foṛgiallna, ocuṛ cethṛuime cumuile do cuiṫriġ. Cid biathaṫ cethṛuiṛ meṫuṛ ann, iṛeṫ ṛo biaṛ ann, cumul fichit ṛeoit, 7ṛl, .i. fiche famuiṛg, deċ mba do flaith cetgiallna a meṫ a mbiṫ; cuic bai do flaiṫ foiṛgiallna; da bai ocuṛ famuiṛg do flaiṫ cuiṫriġ a meṫ a mbiṫ.

Cid ṛo deṛa leṫ cumul do beṫ don ṫí do beiṛ da ṫrian fata, ocuṛ cethṛuime cumuile don ṫi do beiṛ leṫṛath. Iṛeṫ dono ṛoderṛa, aṛ iṛ indligeṫ doiḃ fat do tobuiṛt do cele flatha eile, ocuṛ ara laigiut in airillte do fatfat doib .i. ṫrian loġ einiuċ ocuṛ nomaṫ loġ einiuċ. Iṛeṫ ṛo deṛa naċ ṫrian cumuile ocuṛ nach nomaṫ cumuile do beṛuit fium iṛin meṫh, aṛ iṛ luṫa coneagaidṛum foġnum do ṫri flaitiḃ ina coneagait na flaiṫe fat do tobuiṛt doib fim.

Imdich cach coṛp a meamṛa, ma ṛocoṛp, ṛoġnimuch, ṛoberuch, flan, ṛoṛoltach, ṛocomaiṛ. Coṛp caich a fine aṛ ni bi nach coṛp cen cenn. Cenn caich iaṛ nduinib i fine beṛd fṛuithe, beṛd nuairliu, beṛd ṫrebaire, beṛd necnuigiu, beṛd ṛoċṛuigiu co fiṛ, beṛd ṫreiriu fri himṛoiche, beṛ ṛoṛuṛta fri huṛnaide ṛomuine ocuṛ domaoine.

Imdich cach coṛp a meamṛa, .i. iṛ eim didniuṛ caċ cenn a moam ṛoiṛitnuċu, .i. ruaitriġ caċ coiṛ aṛ, .i. coṛp aṛ ceand. Ma ṛocoṛp, .i. ma deaġ ceand e cin gu ṛoṛgell, gin gu fiaḋnuiṛe. Soġnimuch, .i. ma

before. The failure of the food of second contract, i.e. of the *chief who got the* second securities. The fourth of a 'cumhal,' i.e. the fourth of the 'cumhal' of the ten cows, *i.e.* two cows and a 'samhaisc'-heifer. Of the thing failed in, *i.e.* which was failed in. The failure of the food of third contract, i.e. of the person who imposed the third contract of tenancy upon the tenant, i.e. the chief who got the third securities.

'CAIN AIGILLNE,' OR LAW OF 'DAER'-STOCK TENURE.

However small the food failed in may be, there is a 'cumhal' *to be paid* for it to *the chief who got* the first securities, and half a 'cumhal' to *the chief who got* the second securities, and one-fourth of a 'cumhal' to *the chief who got* the third securities. Though only the food of four persons has been failed in, this is *the fine* which shall lie for it, —a 'cumhal' of twenty 'seds,' &c., i.e. twenty 'samhaisc'-heifers— ten cows to the chief who got the first securities for the failure in *supplying* his food; five cows to the chief who got the second securities *for the failure of his food;* two cows and a 'samhaisc'-heifer to the chief who got the third securities for the failure of his food.

What is the reason that half a 'cumhal' is due to the person who gives two-thirds of stock, and one-fourth of a 'cumhal' to the person who gives half stock? The reason, indeed, is *plain,* because it is unlawful for them to give stock to the tenants of another chief, and on account of the smallness of the stock which they had given them, i.e. one-third of honor-price and one-ninth of honor-price. The reason why it is not the third of a 'cumhal' and the ninth of a 'cumhal' which they pay *as fine* for the failure, is because they (*the tenants*) can *more easily* do service to three chiefs than the chiefs can give them stock.

Every head defends its members, if it be a goodly head, of good deeds, of good morals, exempt, affluent, capable. The body of every head is his tribe, for there is no body without a head. The head of every *tribe,* according to the people, should be the man of the tribe who is the most experienced, the most noble, the most wealthy, the wisest, the most learned, the most truly popular, the most powerful to oppose, the most steadfast to sue for profits and *be sued* for losses.

Every head defends its members, i.e. it is actively every head maintains its relieving rule, i.e. every true chief opposes *in behalf of his tribe,* i.e. body is *here put* for head. If it be a goodly head, i.e. if it be a good head without false decision,

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coir ap coro, .i. im comingaire, .i. comgnim, .i. gin gu fiadnaire, .i. gin guin, gin forloscad. Soberuch, .i. gin gaet, gin braet. Slan, .i. gin guin, gin gaet, .i. gin cinta, .i. ni teilg nech dib cinta for araile. Sorol-tach, .i. im oin, ocus im aithne, ocus im airlegad, .i. gaallad cach dib tar cenn araile. Socomair, .i. conic cach alaile im eochu ocus im friana, ocus im comnaidm ocus im compraict. Corp caich a fine, .i. ired ir corp don cach ir cenn a fine. Ar ni bi nach corp cen cenn, .i. nocha mbi nach corp fine cin ceann dib fein forfiadh do frecair cirt. Cenn caich iar nduinib, .i. cusub do daine na fine iarum in cach ir ceand flaith na gelfine; no cusub do frecr daine na fine in cach ir ceand, .i. ir e ceand in cach ir fine fia dainib, .i. in ti ir fruithe, 7rl. Derid fruithe, .i. i naicniud. Derid nuairliu, .i. in grad, .i. i feb. Derid trebuire, .i. im ar ocus im buain, .i. im tochur fri coimet fincaida.—S.D. Derid necnuigiu, .i. i leabruib, .i. a legind, no ir mo cata. Derid focruigiu, .i. carnit maith tar crich a gabail ler, no bi degcairdeach im fadbail locta fira, .i. a lor a carut, .i. fri raige for in coicrich. Derid treiriu, .i. berr threine fri eimroiche cinuid inbleogain air, no nandochor. Fri himroiche, .i. a dualgur a gairgid. Der forurta, .i. bear deach forur trebaire, .i. a corp gin crich gin fein[g,] .i. a dualgur a nirt fein, no ir e ir forurta ina baile. Fri hurnaide, .i. dibaid cur ub e beiriur, .i. gaire in treanorach. —S.D. Domaoine, .i. a cinuid cur ub é icur.

O'D. 1087.

Cumad frith do gabur do cach duine isin tuaith o flaith gelfine, ocus flaith gelfine do gabail fratha o fri tuaithe; no dono gach duine isin tuaithe o fri tuaithe, cia flaithiur deride ata ac flaith gelfine .i. tur naidbrena, a tur nuflabra, ocus togu do frannaib, ocus fechtmad tire dibaid na laimi.

Imur fuich fine imanetur, imur fuichet, imur coitcet, imur cobrathar; imur cumtaigeth fine.

Imur fuich fine, .i. na cuir imdligthucu do ni neach, .i. ir eim fuaithrid in fine ecuthrud fein, cur ub e in ti ir neara beithiur .i. fuaithrig in ti ir neara a cuir cid re fine cid re ainfine do gne cuir. Imur

[1] *Exhibition.* When the geilfine-chief is not the king of the territory, but takes stock from the king of the territory, he enjoys the privileges above obscurely described. Similar privileges were ceded to O'Finaghty by O'Conor, and to

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'CAIN AIGILLNE,' OR LAW OF 'DAER'-STOCK TENURE.

without false witnesses. Of good deeds, i.e. if he be a just head, i.e. for joint maintenance, i.e. co-operation, i.e. without false witness, i.e. without wounding, without burning. Of good morals, i.e. without theft, without plunder. Exempt, i.e. without wounding, without theft, i.e. without crimes, i.e. none of them has transferred his crimes to another. Affluent, i.e. for lending, for giving in charge, for lending on pledge, i.e. each of them gives a pledge for the other. Capable, i.e. each can *accomodate* the other with horses and bridles, and as to joint contract and joint-stock. The body of each is his tribe, i.e. the tribe is the body of each person who is chief *of his tribe*. For there is no body without a head, i.e. there is no body of a tribe without a head of themselves over them according to justice. The head of every *tribe*, &c., i.e. that every one who is head or chief of the 'geilfine'-tribe be of the people of the tribe; or that every one who is head be according to the people of the tribe, i.e. he is the head of the tribe before men, i.e. the person who is most experienced, &c. The most experienced, i.e. in wisdom. The most noble, i.e. in degree, i.e. rank. The most wealthy, i.e. as to ploughing and reaping, i.e. as to wealth to guard the tribe lands.—S.D. The wisest, i.e. in books, i.e. in learning, or *he* who is the most dignified. The most popular, i.e. *he has* good friends outside the territory taking part with him, or he is well befriended in procuring compurgators, i.e. in consequence of *the* increasing number of his friends, i.e. for suing one of an adjoining territory. The most powerful, i.e. the most powerful to sue the crimes of kinsmen-sureties, or the wrong contracts. To oppose, i.e. in consequence of his valour. The most firm, i.e. whose place of residence is the best, i.e. his body without trembling, without anger, i.e. in consequence of his own strength *of mind and body*, or he is the most secure in his residence. For suing, i.e. the legacy, *i.e.* that it be he who will obtain it, i.e. support the old man *who has left it.*—S. D. Losses, i.e. that it be he who pays for liabilities.

Every person in the territory accepts equal stock from the 'geilfine'-chief, who himself accepts stock from the king of the territory; or else every person in the territory *accepts it* from the king of the territory, though it is from him the 'geilfine'-chief takes chieftainship, i.e. first of exhibition,[1] first of speaking, choice of divisions, and the seventh of land legacy in his possession.

The tribe can impugn among themselves, they can impugn *outside,* they make oath, they relieve *each other;* the tribe sustains itself.

The tribe can impugn, i.e. the tribe quickly impugn among themselves, i.e. the unlawful contracts which one of them makes, and the nearest of kin is he who obtains it, i.e. the nearest of kin impugns his contract whether he made it with one of the tribe or with an external tribe. They can impugn, i.e. they quickly

O'Caomhan by O'Dowda. See Tribes and Customs of Hy Fiachrach, pp. 108, 139, 140, 143.

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fuichet, .i. [is em fuatrit amach] fri accus fine. Imus coitcet, .i. comrath ocus coimriadnuisi, no i foitud ocus i noiuthud, .i. comtoingit. Imus cobrathar, .i. im oin, ocus im aithne, ocus im airliucud, ocus im iarachta, .i. fri dochruite. Imus cumtaiget fine, .i. is eith cumduigit in fine cach dib a cele, .i. cumdaid caid dia raile, .i. dechuib, ocus dédeuch, ocus do frianuib.

O'D. 1087.

Is meruch cach fear fine cunai a fintiud; naid infean, naide fannu, naide fodlean, naide fuich cintuib na coruib; is mer imus fuich curu a fine, imfuich cach curud a comfocuis mad earaneartur a cintu, ocus a rathu, ocus a curu, ocus a chiniuda, ocus a gnimu orba, cu niardaige gaire adruidleacht finntiu.

O'D. 1088. Is meruch, .i. is cuimgeach cáid fear [fine] coimed a fearuinn cin a
O'D. 1088. rec fri indedbirius ar fetuib uriruide [o bus dligtid he im taidachta
O'D. 1088. fo corath]. Naid infean, .i. im ni de [.i. amaid uile]. Naide fannu, .i. uime uile, no fo daob mic doeraim daimfine, .i. na fgailend. Naide fodlean, .i. fo daeb mic daeruim im a rec a nindedbirius. Naide fuich cintuib, .i. indedbiri ele. Na coruib, .i. indedbiri, .i. celfine
Sic. indligted. Is meri imus fuich [no foiche], .i. is cuimgiuch é éim fuatriud na cor do niat in finedaire. Imfuich cach curud a comfocuis, .i. is eim fuatriud cáid curu in ti is comfocus don finechaire o biaf amluid. Mad earaneartur a cinta, .i. ma é urrechius a cinta coiri ocus laime. A rathu, .i. a cinta radachuis, .i. fri hannfguiche, .i. a gnim riaithe ocus eitire. Ocus a curu, [.i. fri hannfcuithe
O'D. 1088. no], fri fguiche, .i. fuatriud cor etis dir. A ciniuda, .i. altrum a clainne. A gnimu orba cu niardaige gaire, .i. orba ocus do ruba, .i. nad gnim dlegar den corba, ocus gaire na fean fine biti cin clainn; fo dlegar finntiu derium fin. Cu niardaige gaire, .i. .i. cus in iarumdige is ada dlectain don fir fine, gaire in frenorach coitcinn, .i. do neoch dligus a gaire a finntiud.

Coru cach comra, cach focrec, cach crec, cach rec, cach cunnrud, cach cor, cach ceilfine, cach giallnu, cach fognum fri fine teachta iar comfocus coibfine,

[1] *Without necessity.* In O'D., 1088, the reading is—".i. nad fo etlann ni co himdligted fo doeb fein," i.e. he is not to conceal any part of it unlawfully for himself.

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impugn outside with respect to an external tribe. They make oath, i.e. equal stock and equal testimony, or in affirmation and in denial, i.e. they swear mutually. They relieve i.e. by lending, by transmitting, by loan, by accommodation, i.e. when in difficulty. The tribe sustains itself, i.e. it is quickly, each of the tribes relieve the other, i.e. the one is sustained by the other, i.e. in horses, in clothes, and in bridles.

'CAIN AIGILLNE,' OR LAW OF 'DARB'-STOCK TENURE.

Every tribesman is able to keep his tribe-land: he is not to sell it, or alienate it, or conceal it, or give it to pay for crimes or contracts: he is able to impugn the contracts of his tribe, and to impugn every contract of his kinsman for whose crimes, and securities, and contracts, and *fosterage*-liabilities, and land-deeds, with support of seniors due for tribe lands, he is accountable.

Is able, i.e. every tribesman is capable of keeping his land, and not to sell it without necessity for perishable 'seds,' when he can lawfully impugn contracts. Not to sell it, i.e. any part of it, i.e. *to sell* the whole of it out. Or alienate it, i.e. the whole of it, i.e. or to release it in favour of an adopted son of an extern tribe. Or conceal it, i.e. in favour of an adopted son, to sell it without necessity.[1] Or give it to pay for crimes, i.e. other *crimes* without necessity. Or contracts, i.e. without necessity, i.e. of unlawful tenancy. He is able to impugn,[2] i.e. he is able to set aside the compacts which the tribe have made. To impugn every contract of his kinsman, i.e. he quickly sets aside every compact of the person who is related to him in the tribe, when he is so *circumstanced*. For whose crimes he is accountable, i.e. if it is he that pays for the crimes of his foot and hand. Securities, i.e. his liabilities of security, i.e. for immovables, i.e. his deed of security and hostageship. And his contracts, i.e. respecting immovables or movables, i.e. he disturbs the contract between two persons. His *fosterage*-liabilities, i.e. the fosterage of his children. His land-deeds with support of the old, i.e. *the deeds* of attack and defence, i.e. every deed due of the land, and the support of the old members of the tribe who are without children; the tribe-property requires this of him. With support of the old, i.e. with the remnant of support which ought to be due of the tribesman, *i.e.* the support of the common senior, i.e. such as is entitled to support from his tribe-property.

Every litter *of pigs*, every reward, every purchase, every sale, every covenant, every contract, every tenancy, every 'giallna'-security, every service is properly due to the lawful tribesman by consanguinity, to whom

[2] *Impugn.* The words in brackets in the Irish are an aliter marginal reading.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

O'D. 1089.

cinniud, ocus cin fomuine ocus domuine, ocus iarthuigiu conteathgatuir.

Corus, [.i. is cuice is coir] cach comfa muc biáir og in firfine do breith do cum in firfine eile da metha, cuiriub do beir ceathruime meara firfiire airchiö, .i. no is corra bid é in tí is neara beirir a comfa, ocus a chec, ocus a cunorad in firfine, ocus cach fomuine biar aige, ferus fonus achtrunda, ar is e beirir a domuine, ma dos neacmu. Cach focrec, .i. gach degcrec loigécta do berra amaé, cuiriub da fear fine do berra, .i. fer foichle. Cach crec, .i. imuich, .i. mor, .i. caé ni cennuigiur amuig, cunud é ceannuigiur. Cach nec, .i. amach, .i. im beg. Cach cunnrud, .i. i tiagait cuind ocus fatha. Cach coir, .i. cetgiallna. Cach ceilfine, .i. forgiallna. Cach giallnu, .i. cuitiré. Cach fognum, .i. faefrath. Fri fine teachta, .i. cuiriub o fine dligtig gebur e, .i. og a mbia eacmuing na neche frin. Iar compocur, .i. iarum ón tí is compocur do da caimfine beirir eiric a cinaid cuiriub uada gabur frin, .i. iarum in tí fo compoigfideg do da caim fine re haltrum na claidbe cinir uada da fic aler. Cin, .i. coiri ocus laime. Somuine .i. in dibaid. Domuine, .i. cinaid. Iarthuigiu conteathgatuir, .i. coitceann techtaid, .i. in iarumdirge, coitceannaigid gaire in freanorach coitchinn.

Ni tualuing imforichida nodo guin nodo mairn mignim ocus micoriub, ocus nodo fannu finnteadaib, forddotuigiöir do coriub, indecuirithir ainfine, nadinairniut finnfid fri fomuine ocus domuine, nad comai corus.

Ni tualuing, .i. nocha caimgeé eimfuaitriud na cor do niat a fineéairre. Nodo guin, .i. fein, .i. gonur neach don fineacairre. Nodo mairn, .i. do ni in brath, .i. do nach ele. Mignim, .i. im guin, no im

[1] *Lawful tribesman.* In O'D, 1089, the gloss is different, as follows:—Fri fine techta, .i. cuiriub fiur in fer fine noligteé oca mbiad acmaing can na neithe frin do cur uad, gabtar iat; no corab do frin do berra eiric a cinaid coire ocus laithe, corab do berar na neiti frin, no corab fiur icar. Iar compocur, .i. iarum in tí fo compoigfideo do da caemfine re haltram na claidbe cindur uad, dá fici aler. Somaine, .i. dibaid, cor abe berer. Domuine, .i. cinad, corab e berer, .i. fuba ocus fuba. Iarthaige, .i. ocur in tiarthaigi coitcennaigid uile in fine, .i. gaire in freniarach coitcind. Conteathgatar, .i. i tir. The lawful tribes-

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the fosterage is due, and crimes as well as the profits and losses, and the support of the common senior.

'CAIN AIGILLNE,' OR LAW OF 'DAER'-STOCK TENURE.

Every litter is properly due, i.e. it is right that every litter of pigs which the tribesman has should be brought to another tribesman to fatten, so that he shall have the fourth of the benefit due to the owner of the land out of them (*the litter of pigs*), i.e. or it is right that it is the nearest *of kin* that should obtain the litter, the sale, and the contract of the tribesman, and every profit which he has, before external persons should obtain them, for it is he that should bear their losses, if such should happen. Every reward, i.e. every perquisite of reward which he shall give out, it is to his tribesman he shall give it, i.e. a man who earns wages. Every purchase, i.e. outside, i.e. great, i.e. everything which he buys outside, it is he that shall buy it. Every sale, i.e. out, i.e. small. Every covenant, i.e. in which adults and sureties are concerned. Every contract, i.e. of first security. Every tenancy, i.e. of second security. Every 'giallna'-security, i.e. of third security. Every service, i.e. of 'saer'-stock. To the lawful tribesman, i.e. that he should receive it from a lawful tribesman,[1] i.e. who is able to bear these things. By consanguinity, i.e. that he should receive this from the person who is nearest to him of his own tribe who bear the 'eric'-fine of his crimes, i.e. from the person who is so near to him of his own tribe as to foster the children who descend from him, if necessary. Crimes, i.e. of hand and foot. Profits, i.e. the legacy. Losses, i.e. crimes. The support of the common senior, i.e. who is common to them, i.e. the last senior surviving, whom they support in common among them.

He cannot impugn *the contracts of the tribe*, who wounds or betrays by evil deeds and evil compacts, who alienates his tribe-lands, against whom bad contracts have been proved, who has adopted one of a strange tribe, who does not share the tribe property with the profits and losses, who does not observe justice.

He cannot *impugn*, i.e. he is not competent to disturb the contracts which his tribe make. Who wounds, i.e. himself, i.e. who wounds one of the tribe. Who betrays, i.e. who commits betrayal, i.e. for another person. Evil deeds,

man, i.e. that they are received by the lawful tribesman, who has capability not to put these things away from him; or that it is to him the 'eric'-fine of his crimes of foot and hand is given, that it is to him are given these things, or that it is to him they are paid. By consanguinity, i.e. the person who is so near him of his tribe as to foster the children which descend from him, if he should require it. Profits, i.e. the legacies, it is he that obtains them. The losses, i.e. the crimes, it is he that bears them, i.e. the service of attack and defence. The survivor, i.e. the last survivor, whom all the tribe support in common, i.e. the maintenance of the common senior. They bear it in common, i.e. in the territory.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

gait fet na fine. Micofuib, .i. im a bfiath, no im fiec nech da fefunn a nindetbiriur. Nodo fannu, .i. do mac foerma do ainfine. Forddutigidur, .i. forcuigedr forfru imaille fri flaith neachtrund, .i. firidigdur do chur aile innoligducha do denum. Indecuiridhur, .i. ada cuiriu fé mac foerum dainfine, .i. focerd fri flaith neachtrunn, .i. do beir micuru, .i. micomurba cuca na tibriut raith mbraithirfe fri corur a fine. Nadinairniut, .i. ni urrannut dligedh na fine. Somaine, .i. tir ndibaid, .i. dibaid nocha befa. Domuine, .i. na gairfe do denum, no im ic a cinuid, uair icfuid. Nad comai corru, .i. nocha

Sic. coimedunn imi dligur do fer coir gairfe in dreanoruch, no bed ina dligedh, no cin curu indedbirfe do denum de .i. itir fuba ocur fuba ocur gairfe.

Sic. Ma damut fine a micuru, cunteachtacht, iar nairilt-nib, cach cor cunu foltuib, cach folaid cunu fridfolai, cach follur cunu foltuib, incuiridur adaimdur. Dligdur a fartad, amuil innlathur inniull co fuilliud, co fullium, co fomuine, muine frecuridur cell co foltuib

O'D. 1090. techta[ib].

Ma damut, .i. madia fadbuit in fine i neimaititin na drochcor fin, .i. muna fuarnuit in fine na micuru do berur forr na lobtaduib. Cun teachtacht, .i. coitceannuigdur gairfe in dreanoruch coitcinn, amuil airilinit no amuil dligit, .i. tedtait iar tabuirt foluid do maith. Cach cor, .i. o flaith, no in raith .i. feoit tuirdluide. Cunu foltuib, .i. im biad. Cach folaid, .i. on fine [.i. in fet tuirdluide].

O'D. 1090. Fridfolai .i. in manchuine. Cach follur, .i. in rath no in fet tuirdluide. Cunu

O'D. 1090. foltuib, [im an mbiathad] .i. in manduine, .i. on dele. Incuiridur, .i. on flaith. Adaimdur, .i. on dele no on fine. Dligdur a fartad .i. dligdur a fartad amuil roinnbtur dligedh ota aimsir biata amach. Co fuilliud, .i. in diablad. Co fullium, .i. in cumul no in eneadunn. Co fomuine, .i. in biad no in cumul. Muine freacuridur dell, .i. muine freagarthur é do fer inciallu in breitemun, .i. munab e da dell acud firathcur na fet uad, no foghum dib, .i. ir ann fin atait na neche fin don flaith. Co foltuib techtaib, .i. cor in foluid ir dligtud do, .i. dilfi na fet iar ndechmuid a dualg innurrta.

[1] *Stealing.* In O'D., 1090, there is added:—".i. dul ar nech do tobach co hindligtech," i.e. to go against one to levy unlawfully.

[2] *Alienates.* In O'D., 1090, there is added:—"comfcailes in feanund,"—who unlooses, breaks up, or disperses the land.

[3] *Responded to.* In O'D., 1090, it is explained thus:—"Mana frecairchar, i.e. unless he (*the chief*) is responded to, i.e. *served and attended* as to his services of

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i.e. as to wounding, or stealing[1] the 'seds' of the tribe. Evil compacts, i.e. as to betraying, or selling a part of his land without necessity. Alienates,[2] i.e. to an adopted son from a strange tribe. Against whom, &c., have been proved, i.e. it is proved against him that he had made such *evil contract* with an extern chief, i.e. it is proved by true evidence that he had made another evil contract. Who has adopted, i.e. he has planted *in the territory* an adopted son from a stranger tribe, i.e. he made *this compact* with an extern chief, i.e. he brings false contracts, i.e. a pseudo-successor to them, who could not give fraternal security for the law of the tribe. Who does not share *the tribe property*, i.e. who does not share the right of the tribe. Profits, i.e. the land legacy, i.e. who does not obtain the legacies. Losses, i.e. to perform the maintenance *of the old*, or pay for his crimes, for he shall pay. Who does not observe justice, i.e. who does not observe what he is bound to do according to the right of maintenance of the senior, or who persists in his illegality, or who does not observe the necessary duties, i.e. both service of attack and defence, and maintenance *of the old*.

If the tribe acknowledge their bad contracts, they bear in common, according to circumstances, every compact with its returns, every stock with its returns, every reward with its returns, which are given and acknowledged. It is right to make them binding, as the compact was made with addition, with interest, with profits, unless he (*the chief*) is responded to with lawful returns.

If *the tribe* acknowledge, i.e. if the tribe were not cognizant of these bad contracts, i.e. unless the tribe impugned the bad contracts imposed upon the defaulters. They bear in common, i.e. they bear in common the support of the common senior, as they merit or are bound to do, i.e. they are bound to do so after he has given out his property. Every compact, i.e. by the chief, or the stock i.e. the returnable 'seds.' With its returns, i.e. the food. Every stock, i.e. to the tribe, i.e. the returnable 'seds.' Returns, i.e. the work. Reward, i.e. the stock or the returnable 'seds.' With its returns, i.e. in the victualling, i.e. the work, i.e. from the tenant. That is given, i.e. by the chief. Acknowledged, i.e. by the tenant or by the tribe. It is right to make them binding, i.e. it is right to make them binding according as the compact was originally made out from the time of rendering the victuals forward. With addition, i.e. the double *restitution*. With interest, i.e. the 'cumhal' or the honor-price. With profits, i.e. the food or the 'cumhal.' Unless he is responded to,[3] i.e. unless the return is made according to the sense of the judge, i.e. unless their sense is to return the 'seds' justly, or render service for them, i.e. it is then these things are *due* to the chief. With lawful returns, i.e. with the property which is lawful for him, i.e. forfeiture of the 'seds' after ten days by right of ejectment.

food and labour due to him, according to the estimation (*sense or judgment*) of the Brehon, he is then entitled to these things; or unless it be their intention to make a true restoration of the 'seds,' or render service for them."

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Nach cor nad atuim fine fonuarnat indairbenat, mad beith fine ina folta[ib] techta[ib]; ni tarcnai fine, na orbu, na beodil na marbdil, dilri feoit caich indecuirithur indligid, mad iar ocus cach faonledaid fine fo corus [techtaib]. Ir urocra[ig] gach fuidir, gach bothach, gach dalta co diailtre, cach felmac i naimsir daire do fithidir, gach mac beoathur nad bi faor a chor, nach ben forra mbe cenn comuirle.

O'D. 1091.

O'D. 1091.

Nach cor, .i. nach cunnrud na biat in fine inaitidin. Fonuarnat .i. do niat a comfgailed [no fuaitrithe], .i. re na denum fo cetoir. Indairbenat, .i. iar na denum, .i. denuit a ninurba iartain. Mad beith fine ina folta[ib] techta[ib], .i. madia fabuit in fine ir na foltaib dligtur dib, .i. im urrogra, no im ainfir do beit acca, .i. ni gonuit, ni mairnit. Ni tarcnai, .i. nocha nuachtinnfuigtur feafann na fine do dul inn, na mbeoduil no na marbduil, .i. o biar amluid fin, cin co tarrugtar in cintuch. Dilri feoit caich, .i. ir dilur a feoit o cach ada chuirur cunnrud do denum riu co tarrugtur in urrogra, .i. ir dilur don fine feoit in caid fo adaiduirugtur curu indligthecha do denum re fer fine, no co tarrugtur in cintuch. Mad iar ocus, .i. ma iar na urrogra don fine na derna nac cunnrud fria fainnleodachaib, .i. urrogra chuir no cunnurta é do fer dligid; ocus fo corus teacus, .i. urrogra do fer dligid fo fir, .i. ir lor da nurogra na gneth fo. Ir urocus gach fuidir, .i. ar amuil furrogra cad im diadtuin fo curu, .i. in doerfuidir. Gach bothach, .i. in daerbothad, ocus cid daerbothad fon ngne cetna, no a mbeit annrna gnetib feo. Gach dalta, .i. co ti air diailtri. Cach felmac i naimsir daire do fithidir, .i. cach mac bir ag foglaim eolusa ir in re futhain ma doer é daithir na fetha na healadan. Gach mac beoathur, .i. cad mac athur bi nochan faer lium cunnrud do denum fir, .i. mac gor ocus mac ingor. Nach ben forra mbe cenn comuirle, .i. ma adultrach cin macud. Ocus fo corus fo uile teacus.

[1] *Tutor.* Here the words, .i. cid fochur ma ail—"on whatever condition he nourishes him"—are interlined in the MS.

[2] *Proper time*, i.e. course of study, during which time the pupil was entirely under the control of his tutor.

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Every contract which the tribe do not recognise they impugn and dissolve, if the tribe be in their lawful conditions; the lands, the live chattels, or dead chattels of the tribe shall not be seized for it, *but* the 'seds' of him who made the illegal contract shall be forfeited, if *the tribe* had proclaimed the fugitive tribesman by lawful proclamations. Every 'fuidhir'-labourer, every cottier, every foster son, until the completion of his fosterage, every pupil during the period of his pupilage to his tutor, every son of a live father, who is not free from obligation, every woman over whom there is an adviser, are as persons proclaimed.

Every contract, i.e. every covenant of which the tribe are not cognizant. They impugn, i.e. they dissolve, or oppose it, i.e. immediately at the making of it. Dissolve, i.e. after the making of it, i.e. they reject it afterwards. If the tribe be in their lawful conditions, i.e. if the tribe be in the conditions which are required of them, i.e. as to their having proclaimed *the person who made the covenant*, or having been in ignorance *of his covenant; also that they be not themselves stained with crimes*, that they do not wound, or betray. Shall not be seized, i.e. the land of the tribe shall not go to compensate for it, nor their live chattels, nor their dead chattels, i.e. when they are so qualified, although the delinquent has not been apprehended. The 'seds' shall be forfeited, i.e. his 'seds' are forfeited by every one who has undertaken to make a contract with them (*the proclaimed tribesmen*) until the proclaimed person is apprehended, i.e. it is lawful for the tribe to seize the 'seds' of every one who undertook to make illegal contracts with a tribesman, until the delinquent is apprehended. If *the tribe* had proclaimed, i.e. if after the proclamation issued by the tribe that no contract should be made with their fugitives, i.e. *if there had been* prohibition of bargain and contract according to law; and their contracts are impugned, i.e. these which follow down here are prohibited according to law, i.e. their condition is sufficient to prohibit them *from entering into engagements*. Every 'fuidhir'-labourer is proclaimed, i.e. every '*fuidhir*'-*labourer* is like one proclaimed with regard to contracts, i.e. the 'daer-fuidhir'-labourer. Every cottier, i.e. the 'daer'-cottier, and even the 'saer'-cottier, is in the same condition, or their being in these conditions *renders them as incompetent as persons proclaimed*. Every fosterson, i.e. until the age at which his fosterage ends. Every pupil during the period of his pupilage to his tutor,[1] i.e. every son who is learning knowledge during the proper time,[2] if he is bound to the father of instruction *or* of science. Every son of a living father, i.e. I do not deem it allowable to make a contract with the son of a living father, i.e. an obedient son, or a son who does not support his parent. Every woman over whom there is an adviser, i.e. if she be an adulteress without sons. And the contracts of all these are impugned.

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Na hurfocurtuig cuir ocus cunnurta, ma ro fitir in urfogra in ti do finne cundrud fiu, taithmigthir na feoit amuig for culu, ocus ni fuil a feoit dorum no co tarustur cintaig.

Na urfogru dligtechu imurro, ni fuil tiagtuin fo coruib fide no co tarustur in aitgin dib.

Do ni urfocrud cuir ocus cunnurta do neoch bet na urfocruch biata, ocus nocha denunn urfocrud leaptunuir de bet in urfogra cuir no cunnurta.

Na urfogra dligthecha, teacus fo coruib ocus fo cintuib co frithuide, co na icuit na cin, ocus fo cintuib cin frithuige, co cloecmod do na fetuib co na tarrachtuin dib fein, ocus muna tarruigthir, icuit a finechaire ceart aitgin gin log, gin ag, cin inforbuirt.

Na urfocruid cor mbel, teacus fo cintuib cid cin co frithruide cid cin cin frithuide, cuna hicuit acht ceart aitgin cin log, cin ag, cin inforbuirt, cuna tarrachtuin dib fein, ocus muna tarruigthar, nochan icuit a finechaire nach ni.

Cach cor, cach indell, cach idnucul fo certur forr na urgurtuib ra, munub a forngaire a ceann, it dilri feoit caich indecoruib cuirithur do cinn cach meamuir micoruig; indilri a feoit rom mad riaruithur nad tadcuirithur iar na urfogra, ir co riachuib gaiti; gait cach tochlu for a meamruib in ecmuir a ceann. Cach fuarnud iarmotha rin cin indurba, acht ma ecumung, arddibdai rlan, ocus fuillium, ocus meat, ocus fomaine fuilliuma.

Cach cor, .i. ceilirne, .i. do coraib ocus do cunnurtaib. Cach indell, .i. lanumnuir. Cach idnucul, .i. fuilliuma no do com-

[1] *Bed.* leaptunuir. A person so proclaimed, i.e. forbidden lodging, was completely outlawed.

[2] *Growth*, i.e. in size and flesh of the body.

[3] *Increase*, i.e. calves.

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As to those who are prohibited from *making* bargain and contract, if the person who made the contract with them had known of their having been proclaimed, the 'seds' *of the person* outside shall be sent back, and his 'seds' shall not be returned to him until the delinquent is apprehended.

But *as regards* those prohibited legally, there is no opposing their contracts until restitution is made to them.

A man who is proclaimed and prohibited from *receiving* food *in his native territory* is also prohibited from *making* bargain and contract, but to be prohibited from bargain and contract does not make him prohibited from bed.[1]

Those proclaimed legally shall have their contracts and their assaults with or without counter assaults set aside, so that they shall not pay for any liability but make a return of the 'seds' if found with themselves, but if they are not found *with themselves* their tribe shall pay exact restitution without addition, growth,[2] or increase.[3]

Those forbidden to make contracts by word of mouth, shall have their bad contracts *set aside* whether with or without set off, so that they shall pay nothing but exact restitution without addition, growth, or increase, when *the 'seds' are* found with themselves, and if they are not so found, the tribe shall pay nothing.[4]

In every contract, every unlawful act, every bargain which is made with these prohibited people, unless it is by order of their chiefs, the 'seds' of those who made the contracts are forfeited to the chief of the persons who contracted unlawfully; their 'seds' are forfeited if it be found that they were not returned after being proclaimed, and with the fines for theft; every evasion by the members in the absence of their chiefs is *as* theft. Every dispute afterwards without returning, except where such was impossible, takes away the full *amount,* the interest, *the fine for* failure, and the profits of interest.

Every contract, i.e. of tenancy, i.e. of contracts and covenants. Every unlawful act, i.e. of social connexion. Bargain, i.e. of interest or

[4] *Pay nothing.* To punish the plaintiff for having made a contract with persons not legally qualified to enter into any.

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mainíb ocus do airceadaib ocus d'urgair[ib]. Fo certus forr, .i. cuiricher ferin luchd ro urgairustar dligeb cunnrud do denum. Munub a forngaire, .i. mana rabat a cind ac forcongra a denma. It dilri feoit, [.i. ir dilir feoit in cach ro adacuiriurter curu indligéda do denam,] a dualgus indarbai i forba dechmaid. Do cinn cach meamuir [.i. do cind cacha meamair do ni drochcuru], .i. ir do ir dilur iat, ocus ni do in meamur, .i. do ni na droch cuir, .i. ar in meamur do gni in micor; aithgin imar legad ela do breit don meamur; na cuic feoit ocus einedlunn ocus in diablad do formaéd ela, ocus in aitgin ro dilrid innarba do breit don cinn. Mad riaruithur, .i. madia tarrurtur iat. Nad tadcuiritchur, .i. amuich iar nurfogra, .i. diablad iar nela, ma ro legad ela iumpu. Ir co fiachuib gaidi .i. ir fiach gaithe biar o dedmuid imach, no iar droccud fo cetoir for in ti do eltar a crod o na cele i necmuir a ceann, .i. ir amuil gaid im indilri cach ni berur on meamur a necmuir a ceann. Cach fuarnud, .i. cad fo ornad cin innarba, .i. fuarnad hurgaithur rumuinn fuar do dainib ceilrine, cinmoda amuil ir rubairtamur dona ceilrine fo ceana do dainib raera.—S.D. Fuarnud ceilrine céana innso do traeruib, cinmoda fuarnud cor na nurgarda. Iarmoda frin .i. iarmorta foegium im churu, .i. cach fuaitriud ceilrine iarum ar a haitle frin, uair fuaitriud cor ocus cunnurtá doubrumur romuinn. Cin induarba, .i. do bed ann, .i. ir inunn ocus do gne in tinnarba, ma egin forruair gan a denum. Acht ma ecumung, .i. ata acht lium cuniu inund do ocus do ned hi in inburd na caemnugair a denum, .i. ir inann do ocus do gnetha an innarba, ma egin andenum; ocus di a cuit ictur in diablud.—S.D. Fuillium, .i. in diablud. Meat, .i. in cumal. Somaine fuilliuma, .i. in biad ocus in manchuine, .i. im in aitgin.

Cach cor.

.i. ceilrine, .i. do coruib ocus do cunnurtuib. In cunnrud do niat na meamuir, ma ta ceann in darba de ag tiacttuin fui, ocus ni denunn act foegium fuaiturtta, ir imclaeclo do na fetuib do grer.

Mar innarbad do gni in flaith, ir imclaeclo dib co dechmuid, ocus dilri na fet o dechmuid amach drir in fuaiturtta a dualgus innurbda, ocus aithgin a fet fein do cin a toicheo, ocus dia lectur elo a toicheda, ir aithgin do cuna letgabail dubulta.

Meamuir foteacur cora fo, ocus i necmuir a ceann do rinnead

[1] *Impugning.* Here in the margin of the MS. are written words which probably should be read "foegmana inro," (warnings here,) or "foegma innaro," (these are warnings).

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barters and gifts and exchanges. Which is made with, i.e. which is made with those people with whom the law prohibits contracts to be made. Unless it is by order, i.e. unless their chief were commanding them to make them. The 'seds' are forfeited, i.e. the 'seds' of those who have undertaken to make unlawful contracts are forfeited, in right of expulsion at the end of ten days. To the chief of each member, i.e. to the chief of each member who makes bad covenants, i.e. it is to him they are forfeited, and not to the member, i.e. who has made the bad covenants, i.e. by the member who makes the bad contract; restitution of what was absconded with shall be obtained by the member; the five 'seds' and honor-price and the double which the absconding incurs, and the restitution which the expulsion forfeits shall be obtained by the chief. If it be found, i.e. if they are caught. That they are not returned, i.e. out after proclamation, i.e. double after absconding, if they have been absconded with. And with fines for theft, i.e. it is fine for theft that shall lie from ten days out, or immediately after fasting against the man who privily takes away his cattle from the tenants in the absence of their chiefs, i.e. every thing that is taken from the member in the absence of the chiefs is like theft for illegality. Every dispute, i.e. every complaint without expulsion, i.e. we have above treated of the impugning of the *contracts of prohibited* persons *in 'daer'-stock* tenancy, besides what we have said already of persons in 'saer'-stock tenancy.—S.D. We have here already treated of the impeaching of persons in 'saer'-stock tenancy, besides the impugning of the contracts of proclaimed persons. Afterwards, i.e. after impugning[1] the contracts, i.e. every disturbing of tenancy afterwards occuring, for it was of the impugning of contracts and covenants we had spoken before. Without returning *the cattle*, i.e. taking place, i.e. it is the same as to make the returning, if force prevented him from making it. Except where such was impossible, i.e. I make a condition that it is the same thing to him as if he had made it (*the returning*) not to have been able to make it, i.e. it is the same to him as if he had made the returning, if it was violence that prevented him; and out of his share the double is paid.—S.D. Interest, i.e. the double. *The fine for* failure, i.e. the 'cumhal.' Profits of interest, i.e. the food and the work, i.e. for the restitution.

Every contract.

That is, of tenancy, i.e. of contracts and covenants. In a covenant which the members make, if the chief of one party is for impugning it, but he only warns that he will impugn it, the 'seds' are always mutually returned.

If the chief causes the 'seds' to be returned,[a] there is a mutual return to be made of them within ten days, and a forfeiture of the 'seds' after ten days to the man who impugns in right of returning, and restitution of his own 'seds' to him without his suing for them, and if the suing be evaded, there is restitution *due* to him, with double half seizure.

[a] Ir. *Makes returning.*

These are members whose contracts are opposed, and it was in

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cunnrud frin. Cach cunnrud do niat na meamuir i necmuir na ceann, dia fuaitrigtur fo cetoir, ir cloecmo dib co dechmuid. Dia fuirgithur tar decmuid, ir dilgi in da cunnrad. Dia troigtur iumpud co decmuid, ir dilgi in da cunnrad.

Ma iar ndeacmuid troigtur iumpu, ir dilgi a cunnurta fein do ocus cunnurta in fir, ocus diablad ocus einealunn.

Cach baile na torrractatur a feoit a laim in duine, ocus na fuil aice ni inurbur, nocha necin do act toitheb do tabuirt ima fetuib, ocus da lectur a elo, ir eric eliud dic ann, ocus cuic feoit, ocus einiuclunn.

Ma tar farugga na ceann ina freacnuicur, ir tre diablad; munub farugga ir imclaecmod do na fetuib.

Madia foxluid uad fo cetoir, ma co troigcud do bóro, ir tre diablad fria ndechmuid, .i. tre diablad imurro iar ndechmuid cin troigcud. Ma troigcud imurro, ir tre diablad ir cuic feoit.

Cach cor.

.i. ma a fiadnuisi in cinn, ocus curub tar farugad, it dilgi do na feoit do berur don meamur ar ceitre huaire fichet, ocus diablad a fet fein. Ire a etrocaire. Ire a trocaire a feoit dorum, ocus dilge na fet aile.

Mad ina ecnaire imorro, ir claochmod fet co decmuid maine fuirgithur; dia fuirgithur imorro, ir diablad dib iar ndecmuid, ocus ir dilgi na fet amuig, ir é a etrocaire, ocus cuic feoit dia mbe troigcud. Ire a trocaire dilgi na fet tall, ocus na feoit amuig iar ndecmuid, ocus dia mbe troigcad, ir ann ata in diablad.

Cach cor.

.i. tecor fo coruib in duine do ni in cundrud, ocus curithur na feoit uada amach, ocus muna gabtur amuich iad, ir dilgi na

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the absence of their chiefs *that* contracts were made with them. In every contract which the members make in the absence of the chiefs, if it is impugned at once, there shall be a mutual return within ten days. If it be delayed beyond ten days, the contract on both sides is annulled. If fasting be performed respecting them within ten days, the contract of both sides is forfeited (*null and void*).

If it be after ten days the fasting is performed respecting them, his own contracts and the contracts of the *other* man are annulled to him, and double and honor-price *are due.*

Whenever his 'seds' have not come into the possession of the person, and he has not got anything to return, he is only obliged to sue for his 'seds,' and if he is evaded, 'eric'-fine for evasion shall be paid for it, and five 'seds' and honor-price.

If it be in violation of the chiefs in their presence, it is thrice double *that is to be paid*; if it be not in violation *of the chiefs*, the 'seds' shall be mutually returned.

If they were taken away from him at once, if they have been taken with fasting, it (*the penalty*) is thrice double within ten days, i.e. thrice double after ten days without fasting. If with fasting, it is thrice double and five 'seds.'

Every contract.

If *made* in the presence of the head, and that it be a violation of *right*, the 'seds' which are given to the member *of the tribe* shall be forfeited to him in twenty-four hours, and double of his (*the member's*) own 'seds.' This is the severity of it. The leniency is that he (*the member*) gets his own 'seds,' and forfeits the other 'seds.'

But if *the contract be made* in his absence, the 'seds' shall be mutually returned within ten days unless it (*the returning*) be delayed; but if it be delayed, there is double *restitution* of them after ten days, and the 'seds' outside shall be forfeited, and there shall be, in the severity of the case, five 'seds' *fine* if fasting has taken place. The leniency of the case is the forfeiture of the 'seds' without, and of the 'seds' within after ten days, and if there has been fasting, it is then that there is double *restitution.*

Every contract.

That is, the contracts of the man who made the bargain are impugned, and the 'seds' are sent out from him, and if they are not

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'Cain Aigillne,' or Law of 'Darr'-stock Tenure.

feoit iar ndeċmuiḋ don ċinn, a dualgus indarbṫa; cuingi from a feodu budein amuiġ, ocus muna fagbat iad, tabrat apaḋ ocus triorcuḋ, ocus ma ro leigiḋ a neloḋ, is cuic feoit ocus eneclann, ocus diabluḋ fiach doib i lecaḋ a neloḋ; ocus in fiach eloḋ don ċinn, ocus an aitġin bunuiġ don ball.

Cach indell.

.i. lanumnus. In lanumnus aċt mara foeġim uil ann, cid e athair in mic, cid e athus na hingine do ne in foeġem, noco nartaidi in lanumnus do ġrés, aċt fomuilt na coibċe i nagaiḋ fomalta na mna.

Mara indarbaḋ uil and; mas e athus in mic do ni in indarbṫa, imclaochloḋ fet nama dib co dechmaiḋ, ocus dilgi cutruma na coibce do fedaib na mna acad a indarbaḋ, a dualgas indarba, iar ndeċmuiḋ, ocus aithġin na coibċe budein cen lecon eloiḋ; ocus da lectus eloḋ, aithġin co fiach eloiġ.

Mase athair na hingine do ni in indarbaḋ, imclaoċcloḋ fet nama dib co dechmuiġ, ocus dilgi na coibċe o dechmuiġ amach, a dualgas indarba, ocus aithġin na hingine budein cen lecon eloiġ; ocus da legtus eloġ, aithġin na hingine co letgabuil diabalta na coibce.

Mara necmus a da nathair do fonfad a cus, mase athus na hingine dic fui, ocus ni denand aċt foeġem, imclaochmod fet nama doib do ġrés, ocus fomuilt na mna a nagaiġ fomelta na coibce.

Mas indarba do finne athair na hingine, imclaochmoḋ dib co deċmuiḋ, ocus fomeilt na mna anaġuiġ fomelta na coibċe.

Sic. Mas indarba do finne athus na hingine, imclaochmoġ dib co dechmuiġ, ocus fomuilt na mna anaġuiġ fomelta na coibċe, ocus dilgi na fet do athus na hingine a dualgus indarba o deċmuiġ amach, ocus airic a ingine cen doiche; ocus da legtus eloġ a doichedа, is airic a ingine do, ocus cutrumus na coibci re doeb, ar fon diabalta.

[1] *Member.* In the corresponding passage in C. 1110 the reading is 'biuḋbaiḋ,' (the defaulter).

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accepted of outside, they are forfeited after ten days to the chief, in right of returning; he seeks his own 'seds' outside, and if he does not get them, let him serve notice and perform fasting, and if they were allowed to escape, there shall be five 'seds' and honor-price, and double debt *paid* for allowing them to escape; the fine for evasion is *paid* to the chief, and the original restitution to the member[1] *of the tribe.*

'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

Every unlawful act.

That is, of social connexion. If in the connexion there be any warning, whether the warning be made by the father of the son or the father of the girl, the connexion shall not be made binding, but the use of the marriage present is *counterbalanced* by the use of the woman.

If it be a case of returning; if it was the father of the son that has made the returning, the 'seds' only shall be mutually returned for ten days, and an equivalent of the marriage present of the 'seds' of the woman is forfeited at the returning of her, in right of returning, after ten days, and exact restitution of the marriage present when no evasion took place; but if evasion took place, restitution *is to be made* with a fine for evasion.

If it be the father of the girl that makes the returning, there shall be only a mutual return of the 'seds' within ten days, and a forfeiture of the marriage present from ten days forth, in right of returning, and restitution of the girl herself when without evasion; but if evasion took place, there shall be restitution of the daughter and the double half seizure of the marriage present.

If they made their contract in the absence of their two fathers, if it be the father of the girl that impugns it, and he only gives notice, there shall always be a mutual return of the 'seds' only, and the use of the woman is *put* against the use of the marriage present.

If the father of the girl makes returning, there shall be a mutual returning until ten days *have elapsed*, and the use of the woman is put against the use of the marriage present.

If the father of the girl makes returning, there shall be a mutual return till ten days *have elapsed*, and the use of the woman is *put* against the use of the marriage present, and *there is* forfeiture of the 'seds' to the father of the girl from ten days forth, in right of returning, and the restoring of his daughter to him when without suing; and if evasion of his suing has taken place, his daughter shall be restored to him, and an equivalent of the marriage present along with her, by way of double *restitution.*

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

Mas e athuir in mic do fúgne in foegem, imclaocmod dib do grés fos, ocus fognum na mna a nasaid fomelta na coibce.

Mas indarba do fúgne athuir in mic, imclaocld doib (no dib beos) co decmaid, ocus cutrumus na coibce do fetaib fuidilsi na mna do dilsiugad do athuir in mic a dualgus innarbta, ocus aithgin na coibce do cin toicheda, ocus da lectus eld a toitheda, is aitgin do cu na letgabail dubulta.

Ma do fala altrum etarsrad, is a bed fos in ti ic a nasta.

Cach idnucul fo cetus fosi na urgusaib sa.

.i. fuilliuma, no do cumainid, ocus daiscedaid, ocus dursair. Na feoit fuilliuma, act ma foegium uill ann, fecid ceann do ne in foegium, is neamfastad in fuillium do gres, ocus imclaocldad do na fetaid ocus don fuillium, in tan damuis dligedi iumpu.

Cach fuasnud iarmoda sin.

.i. cach fuaistriud celsine iarum as a haitle sin, uair fuaist-
O'D. 1092. fuud cuis ocus cunnustha [aoubramar] fomuinn.
O'D. 1092. [Mad foegem o flaith ocus aitiriu o fine, is flan don flait, ocus diablad o fine.

Ma foegem o fine ocus aitiriu o flait, flan do fine, ocus diablad o flait; no dono is aithgin o fine, ocus in lethgabail diabulta on flait.

Mad foegem o flait ocus o fine, is let aitgin fos ceactus de.

Ma foegium o flait ocus innusbad o fine, is flan don fine, ocus aitgin o flait.

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'CAIN AIGILLNE, OR LAW OF 'DAER'-STOCK TENURE.

If it be the father of the man that has given the warning, there shall also be always a mutual return made by them, and the service of the woman *is counterbalanced* by the use of the marriage present.

If the father of the man made returning, a mutual return shall be made by them within ten days, and the equivalent of the marriage present in the 'seds' belonging to the woman shall become forfeited to the father of the man in right of returning, and the restitution of the marriage present shall be given to him when no suing is in question, but if his suit is evaded, he shall have restitution and double half seizure.

If fosterage has happened between them, it is to be on the person who is for making it (*the marriage*) binding.

Every bargain which is made with these prohibited people.

That is, of interest, or of barters, of gifts, and of exchange. *As to* the 'seds' of interest, if there be a *prohibiting* notice, whatever chief serves the notice, he shall render the interest not binding, and the 'seds' and the interest are to be mutually returned, when law is submitted to respecting them.

Every dispute afterwards.

That is, every impugning of tenancy that shall occur afterwards, for we have treated of the impugning of bargain and contract before.

If *there be* warning by the chief and acknowledgment by the tribe, the chief is quit, and the tribe shall pay double.

If *there be* warning by the tribe and acknowledgment by the chief, the tribe is quit, and the chief shall pay double; or else it is restitution *that is due* of the tribe, and the double half seizure of the chief.

If *there be* warning by the chief and the tribe, half restitution is due of both.

If *there be* warning by the chief and returning by the tribe, the tribe is quit, and restitution is due of the chief.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

Ma foegium o fine ocus innarba o flaith, is flan don flaith, ocus aitgin o fine; ocus cach baili inebuidmar flainti ar innarba, is la taeb dilgiti na fet.

Mad innarba o flaith ocus aititiu o fine, is dilgi na feoit don flaith, ocus diabliud on fine.

Mad indarba o fine ocus aititiu o flaith, is dilgi na feoit do fine, ocus diabliad o flaith.

Mad indarba uadaib andis, is dilgi na fet doib iar ndecmuid.

Mad aititiu uadaib andis, is diabliud uadaib, ocus is fo cuthuma icait etarlu; no dono is da aithgin o fine, ocus iarn in diabaltа etarlu.

Ma ro fuaithrithes fria inbaid ica bid, is ann ata in fliucht so, ocus ro fuaithrithes fria re imroichrida cor olcena.

Mana fuaithret co hinbaid ica bid, is artad celsine iar fuide.

O'D. 285. Mad foegem [no aititi] o flaith ocus o fine, is diabliud.

Ma foegium uadaib andis, is aithgin.

Mad innarba uadaib andis, is dilis doib iar ndechmaid, ocus is fria mbiathad na flatha dognithes.]

Foegium cin innarba arsaig aithgin, ar ni diupurar nach tidnucal adaimtur; di collnaib fet naithgina, ar ataim nad innarban; ni innarban nad apunn; con athcus ocus innurba ocus dingbail, co comruc indilgi for feotu, co dicuimuing.

Foegium, .i. do denam doib, .i. cid innarba ber ann, nocha biad ni dib frin don flaith, .i. tarrurtur aitgin o frir foegme do grer, ocus ni fuil fartad. Ar ni diupurar, .i. ar no diubraidur in ti aititnigthur do tidnucal ratha, gin aitgin collna ratha do, ocus dermbreit air:—

Gairit a remer farir,
Cin co be orit a imrim,
A collna na bi co brar,
Noca ni anan amablar.

[1] *Care.* There is, after the "r" of the word thus translated, in the MS. a mark which looks somewhat like an "i"; the whole verse, which appears to be an interpolation by a later hand, is very difficult to decipher, and the translation given is only conjectural.

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'CAIN AIGILLNE,' OR LAW OF 'DAER'-STOCK TENURE.

If *there be* warning by the tribe and returning by the chief, the chief is quit, and restitution is due of the tribe; and wherever we have ascribed 'acquittal to returning,' it means together with forfeiture of the 'seds.'

If *there be* returning by the chief and acknowledgment by the tribe, there is a forfeiture of the 'seds' to the chief, and double due of the tribe.

If *there be* returning by the tribe and acknowledgment by the chief, the 'seds' are forfeited to the tribe, and double is due of the chief.

If returning *has been made* by both, the 'seds' shall be forfeited to them after ten days.

If *there be* acknowledgment from both, double is due of them *both*, and they pay equally between them; or else it is two restitutions that are due of the tribe, and the double is divided between them.

If the impugning took place before the period of rendering the food, it is then this case holds good, and the impugning took place before the period of annulling contracts generally.

If the impugning did not take place till the period of rendering the food, the tenancy is binding afterwards.

If *there be* warning or acknowledgment by the chief and by the tribe, it is double *that is due*.

If *there be* warning by them both, it is a case of restitution.

If *there be* returning by them both, they incur forfeiture after ten days, and *this* is done before the rendering of the food to the chief.

Warning without returning incurs restitution, for no one should be defrauded of that which it was acknowledged he had given; *he should receive* restitution of the original 'seds,' for he acknowledges who does not return; he returns not without warning; by returning and removing and driving off, he secures forfeiture of the 'seds,' *or* by not being able *to do so*.

Warning, *i.e.* to give *warning* to them, i.e. if there be returning, none of these things are *due* to the chief, i.e. restitution is always obtained from the man who warns, and there is no binding *of his contract*. For *none* should be defrauded, i.e. for the person shall not be defrauded who is acknowledged to have given the stock, but restitution of the original stock should be given him, as this verse exemplifies:—

Short is the time—in good truth—
Though thereof thou hast no care,[1]
Return him his stock at once,
As no defrauding is allowed.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

Ar ataim nad innarbad, .i. is inann do ocus do beit ina aitidin muna derna, .i. na dernaid a urrogra. Ni innarbad nad apunn .i. nocha cuimgeá an innarbaid iartain muna tuca arad .i. fo cetoir, .i. ní roich innarbad na fet a dligeid, mani airoba re na tabuirt don éle dian do fagtar, .i. do tir in cele. Co nathcur, [.i. na feoit amaé fo cetoir.] Innurba, .i. iartain. Dingbail, .i. bu coir don fir amuig, .i. na feoit do dernuinn in cele. Co compuc indilri for feotu, .i. coimdeg, ocus caéttad, .i. comarcáet an dilri for na fetaib o do denum frin, .i. imin athcuinge. Co dícumuing, .i. maine caem a ninnarbad, .i. munab e turbad denuit a ninnarbad, .i. cin turbad do beit do ar neaé dib, uair dia roib, faerfaid e, .i. in fir dia tabairtar, no in aige fine, .i. é na caemnucair a ngabail, muno do ocar do né, no in tan gebes foegeam ginn innarbad do, .i. nocha necin do aitgin dic.

O'D. 1093.

Ma innarba o flaith ocus o fine, is dilri na feoit doib iar ndeacmuid, ocus a flainn etarrud ar do.

Ma foegium uadib andis, is aitgin, ocus a ic doib fo cutrumus.

Ma aitidiugad uadaib andis, is diablad co decmuid, ocus a ic uadaib andis fo cutruma, ocus artad celrine iar ndecmuid.

Sic. Ma aitidiug on dara nae ocus foegium o flaithe, is diablad o fir na haitidin co decmuid, ocus fartad celrine iar ndecmuid, ocus flan drir na foegim; no teora .iiii. for fir naitidin, ocus .iiii. for fir foegine.

Ma innarbad on dara nae ocus foegium no aitidin o araile, is dilri na feoit don fir do gni innarbad aenur iar ndeachmuid, ocus ni hartuigter celrine forrruidiuga, ocus is cele fein icus in aitgin, no in diablad is berur funn, diambe oga.

Is e coir denma na hinnarbuid, na feoit do athcur amach cach lae co ceann deacmuide, no cumad is in cet lo ocus is in lo degindch, co teach in duine for a ndentur in dinnarbad, ocus a tabairt lair cad naidee da dig budéin.

Maread do luigne a fagbail amuig isin cet lo don decmuid, act maread a dubairt in fear amuig co na gebed iat co ndliged no cin dliged, act ma tertetur amuig, is a legad a leith in fir amuig cin ni dic fris, ocus airiuc uad na fet fuc.

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'CAIN AIGILLNE,' OR LAW OF 'DAER'-STOCK TENURE.

For he acknowledges who does not return, i.e. it is the same to him as to be in acknowledgment *of the contract*, unless he has made *returning*. He returns not without warning, i.e. unless he has given warning at once, *as he ought to do*, he cannot return the 'seds' afterwards, i.e. he cannot return the 'seds' according to law, if he has not warned before giving it to the tenant, that he may know it, i.e. to the land of the tenant. By returning, i.e. the 'seds' out at once. Removing, i.e. *to the chief* afterwards. Driving off, i.e. it is right for the man outside, i.e. *to drive* the 'seds' off the land of the tenant. He secures forfeiture of the seds, i.e. guarding, impounding, i.e. it secures the forfeiture of the seds when he has acted so, i.e. as to the petition. By not being able, i.e. unless he is able to return them, i.e. unless it be during a period of exemption the returning is made, i.e. he not having exemption as to any of them, for if he had, it would free him, i.e. the man to whom they are given, or the head of the family, i.e. when he cannot take them, it is the same to him as if he had, or when warning has the same effect as returning for him, i.e. he is not compelled to pay restitution.

If the return *of the 'seds'* is *made* by the chief and by the tribe, the 'seds' are forfeited to them after ten days, and divided between them into two parts.

If warning *has been given* by them both, it is *a case of* restitution, and to be paid by them equally.

If acknowledgment *has been made* by them both, there is double *to be paid* within ten days, and to be paid by them both equally, and there is binding of the tenancy after ten days.

If *there be* acknowledgment by the one and warning by the other, there is double from the man who makes the acknowledgment within ten days, and binding of the tenancy after ten days, and the person who warns is quit; or three-fourths are upon the man who acknowledges, and one-fourth upon the man who warns.

If *there be* returning by the one and warning or acknowledgment by the other, the 'seds' are forfeited to the man alone who made the returning after ten days, and the tenancy is not fastened upon him, and it is the tenant himself that shall pay the restitution, or *it is* the double which is given, if he has it.

The proper mode of making the returning is, to send out the 'seds' every day to the end of ten days, or on the first day and the last day, to the house of the person to whom the returning is made, and to bring them back every night to his own house.

If what he did was to leave them outside on the first day of the ten days, and if what the man outside said was that he would not take them with law or without law, and if they perished outside, they are to be put to the charge of the man outside without paying him anything, and he is to restore the 'seds' which he got.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

Ma maiṙit na feoit aice iaṙ ndeċmuid, ir imclaoċmoḋ do na fetuib, no dono cumad a ndilṙi dṙiṙ na hinnaṙbḋa, uaiṙ naṙ dam fam dligeḋ.

Maṙead a dubuiṙt co ngebeḋ iat muṙ a deṙu dligeḋ, ocuṙ niṙ gaḃ fiṙ athcuiṙ gin a ninnaṙbaḋ, acht ma tefta na feoit, ni fuil i legaḋ i leṫ in fiṙ amuig, acht munai do a dualgus aiṫne; ocuṙ ni fuil aiṙiuc na fet ata na laim uada co tucsuṙ feoit taṙ a neṙi, acht aiṙiuc na fet ata na laim uaḋ, ocuṙ feoit eile doṙum taṙ a neṙi.

Ma maiṙit ir a legaḋ a leṫ in fiṙ imuig; ocuṙ cia mad ail dṙiṙ innuṙbḋa a ndilṙi do, ni fuil, uaiṙ naṙ gab dligeḋ, ocuṙ aiṙiuc on fiṙ amuig na feoit ata ina laim.

Nocha ndlegur dṙiṙ innaṙbḋa na fet innuṙbaḋ do legen amuga, cin co foemthuṙ uada iat.

Na huile aiṫne uile fo haiṫnigeḋ do duine, cid da deoin cid da aimdeoin fo fagbad aice, munuṙ cuiṙ uada iat taṙ cṙich i fiadnuiṙi fiṙ bunuig, ir a nic do mara leṙ in feaṙann aṙuṙ fagbad iat; munub leṙ imuṙṙo, acht munuṙ gab do laim i coimed, ir flan do cid imuga digṙit na feoit; ocuṙ maṙo gab do laiṁ a coiméd, cin cub leṙ in feaṙann aṙuṙ fagbad iat, ir a nic do ma do cuaduṙ amuḋa.

O'D. 1093. [Mana uṙṙaemtaṙ nadingbaiteṙ fṙiṙin fṙiṫ coṙ fin co ninḋaṙba, it dilṙi collnaib ocuṙ aiṫgnaib, ocuṙ fuilliud, ocuṙ fuillem ocuṙ in aṙ.

Mana, .i. muna fiṙfaemtaṙ, .i. on flaiṫ, na feoit uad o fiṙ indaṙba, .i. muna dingbaiṫeṙ uad iat, .i. on ceile fuṙ in fiṙ aċċoṙ fin, .i. fiṙin fiṙaṫchoṙ fin, uaiṙ da faib, faeṙaid a tuṙbaid he, .i. tuṙbada do biṫ aṙ neaṫaṙ dib. Co nindaṙba, .i. do beiṫ aṙ na fetaib. It dilṙi, .i. ir dileṙ colann na fet budéin a dualgus indaṙba i ninbaid maiṙid, ocuṙ aiṫgin eile taṙ a eiṙi in tan na maiṙet; in uaiṙ fo foiċ don ti acaṙ facbaid iat, a nic a dualgus aiṫne. Fuilliud, .i. in diabladh. Fuillem, .i. in enechann, .i. in cumal. In aṙ, .i. na colainn, .i. in oṙbaiṙt na fet.

[1] *Increase.* The corresponding passage in O'D. 286, is not glossed.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

If the 'seds' live with him after ten days, the 'seds' are to be returned, or they are forfeited to the person who returns, as the other did not submit to the law.

If what he said was that he would receive them as the law should direct, and that the person who returns did not stay without returning them, and if the 'seds' perished, they are not to be put to the charge of the man outside, unless they reached him by proper delivery; and the 'seds' which are in his hands are not to be restored by him until other 'seds' are given him in their stead, but he restores the 'seds' that are in his hands, and other 'seds' shall be given him in lieu of them.

If they are living they are put to the charge of the man outside; and though the person who returns should wish them to escheat to him, they shall not, because he did not submit to the law, and the man outside shall restore the 'seds' that are in his hands.

The person who returns is bound not to let the seds which are to be returned go astray, though the receiving of them from him is not consented to.

As to all things that are given in charge to a man, whether they were left him with his consent or without it, unless he has sent them away from him across the boundary in the presence of the owner, he must pay for them if he owns the land on which they were left; but if he does not, and if he did not undertake to keep them, he is quit, even though the 'seds' have gone astray; and if he has undertaken to keep them, although the land is not his on which they were left, he must pay for them if they went astray.

If consent is not obtained *from him* that by this sending out the return is made, the original 'seds' are forfeited with restitution, and addition, and interest, and the increase.[1]

If *consent* is not *obtained*, i.e. if true consent is not obtained, i.e. from the chief, that the 'seds' may be truly returned by him, i.e. if they are not secured to him, i.e. by the tenant with this true return, i.e. with this true return; for if there were, his exemption will free him, i.e. if there be exemption on either of them. Return, i.e. to be made of the 'seds.' Are forfeited, i.e. the original 'seds' themselves are forfeited in right of returning, when they are living, and another restitution in lieu of them when they are not living; when they have been *legally* delivered to the person with whom they were left, he is to pay for them in right of delivery. Addition, i.e. the double. Interest, i.e. the honor-price, i.e. the 'cumhal.' The increase, i.e. of the bodies, i.e. the increase of the 'seds.'

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Ni fai for fine nach ecus ninnoligtech; incuiri-chen condúinaischt. Is dilis iarum dia nacraithen inniull, indallat micorus nad cennaib coirb, comallat connaib arda neithit, arda leraib labraithen cirt coir.

O'D. 1094. Ni fai, .i. no con iumpaithes a fastad ar in fine inní ecairtes ducu cu hinoligthech. Is dilis, .i. is dilis iarum in ni inolithes inund isin fine tre droććuru ar ćeilsine; madia neacairtes a hindarba amach, .i. for culu. Indallat, .i. is dilis iat a dualgus indarba. Nad cennaib, .i. maina comimluaitesa a cind ar airid do reir ćoir, .i. muna ba fiadnaisi na ceand coir ro comimluaitet na cuir. Connaib arda neithit, .i. na codnaid urnaidet a cinaid, .i. madia rabat a codnaigi aca nurreidem a naitisin in raith do gabail. Arda leraib, .i. muna rabat a cuir lubra a leara in tan sin, do reir ćirt, ar cae ćoir, no athail ar coir do reir ćirt, .i. ite labraic a leara do reir cirt iar coir.

Mad ceili do flaith be dech, ceili bunaid felda ocus bunaid ceiniuil iar failte, is flaith fris cuirtes flaithi; mas bo flaith foeisium for fiadnu, manai indarbann acht foesium, is diabul naithgena ad cuirtes.

Mad ceili, .i. mad cumbith ceile ac an flaith ise ceile is deaċ, no is tasaigi do do beit eice, ceile aca mbia fealb a bunad. Bunaid ceiniuil, .i. cus ab ceinel do he a bunad. Iar failte, .i. iarum is do isaes do nath do ćus. Is flaith, .i. ise in flaith sin ada ćuiges na flaithe eile de. Mas bo flaith foesium, .i. madia nurrocra in flaith fir eisem do denam im an fuaistred, in tan sa bui in ceile ac gabail natha o flaith eile. For fiadnu, .i. i fiadnaisi fiadan. Manai indarbann, .i. munab indarba do ne in flaith, act foeisem ar fuaistred, is and ata in aithgin. Is diabul naithgena, .i. is aithgin cuna diablad ada ćurair and o fine.]

In tan is foesem o flaith ocus o fine, is aithgin na fet uadaib diblinaib co haimsir in biata.

Mad aititiu uadaib diblinaib, is diablad do na hib fetaib co haimsir in biata.

Mad cert do gneth dia mbiatar forgiallna, is na cuit dire diblinuib teit forgiallna.

[1] *The other chiefs*, i.e. the chiefs who gave stock in 'giallna' security, and on third security. *Vide p.* 277, *supra.*

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No unlawful putting in *of stock* is fastened on the tribe; let it be referred to the court. What is sent into the tribe by bad contracts is forfeited, 'indallat'-forfeiture takes place when not witnessed by the proper heads, when their guardians were not attending to tell them of their welfare, according to strict justice.

Is not fastened, i.e. the thing which is returned to the tribe unlawfully cannot be fastened upon them. Is forfeited, i.e. what is returned into the tribe by bad contracts of tenancy is forfeited; if it be put in *unlawfully* let it be driven out, i.e. back. 'Indallat'-forfeiture *takes place*, i.e. it is forfeited by right of returning. *Proper* heads, i.e. unless their chiefs are present, as is proper, i.e. unless they have made the contracts in presence of the proper heads. Their guardians, i.e. the sensible adults who witness their liabilities, i.e. if the sensible adults were awaiting them to acknowledge their receipt of the stock. Of their welfare, i.e. unless their contracts were made for their welfare at that time, according to justice, in a proper manner, or as it is right according to justice, i.e. these are they who declare their welfare according to justice, in a proper manner.

If the chief has a tenant who is good, of original possessions and of original family in 'saer'-stock tenure, this chief removes the *other* chiefs; if the chief gives warning before witnesses, if he does not return but only warn, it incurs double restitution.

If *the chief has* a tenant, i.e. if the chief has a tenant who is good, or eligible for him to have, a tenant who has original possessions. Original family, i.e. who is of his family originally. In 'saer'-stock tenure, i.e. it is then he is free to return the stock. This chief *removes*, i.e. it is this chief who expels the other chiefs[1] off him. If the chief gives warning, i.e. if the chief warns by proper notice that opposition will be made, when the tenant is receiving stock from another chief. Before witnesses, i.e. in the presence of witnesses. If he does not return, i.e. if the chief does not expel (*return the cattle*), if he only warns that he will oppose, it is then that restitution lies. It incurs double restitution, i.e. it is restitution, with its double, that is paid for it by the tribe.

When there is warning from the chief and from the tribe, it is restitution of the 'seds' that shall be *due* from them both to the time of the victualling.

If there be acknowledgment from them both, there is double of the 'seds' *due* at the time of the victualling.

If justice is done with respect to their second security, the second security shall be charged[a] on the lands of both.

[a] Ir. *Go.*

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Mad indarbad uadaib dibliaib, ocus fo famaigthi forfu ar ecin na feoit, is dilgi doib iar ndecmaid muna fuil ecumac na fiarfu, no tusbad galuin fon forgiallna. Decmaid ar a haithe sin is indi a ndilgi.

Foegem on dala nae ocus aiticiu o laidi, diablad na fet on ti adaim co haimsir in biata. Dia tince a biathad, ocus ni ceilt do
O'D. 1095. gni, is na [cuit] aenus tet, ocus is slan do sir foegem.

Mad indarba on dala nad ocus foegium o fraithe, no aiticiu,
O'D. 1095. is dilgi do neoch do gni innarbu; ica aithgin [fer] foeigine.

Is diabul naithgina ada cuisrethus.

Is diabul naithgina ada cuisrethus, .i. is aithgin mada cuisrethus cuna diablad on sine; ocus aiticud uil acad ann, no is aitgin cuna diablad sirana dia fabuit in sine ina fo aiticin o tha in se resa ticfaitir fo corus no fo cunnustheus co ti aimsir biata. Ocus is fastuigthe celsine o ticfus aimsir biata.

O'D. 1095. [Mad fodma sine na frithfognaither, ar is i cuit sine teit ni nad natann flaith, foltaib do flaithib ilib echtrandaib. Mat fodmat flaithi nach aile, is na toisine tiagat. Mani atma flaith na sine nad innarbann, is aithgin ind adrenar feib fo nertar. Na bi focra la foisrin, co nathcus fia fladnaib follus.

Mad fodma sine, .i. mada fabat in sine ina fo aiticin sis in se ar a foicheann diablad ossa, .i. muna tainic aimser a sir fogama, is and ata in diablad. Ar is i cuit, .i. ar is i in sine iccus in cuit fo foich ossu sis na flaithib ilardaib is eactarainn doib, in tan na bi in flaith tuc deagfolaid doib ar dus ina aiticin. Mat fodmat, .i. madia fabat na cet flaithe a naititin na flaith ndeirdenad. Is na

1 *Made binding.* If the contract is not impugned, and the stock returned before the rent has become due, the tenancy is confirmed.

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If the returning is made by both, and the seds were fastened upon them by force, they are forfeited to them after ten days, unless there be an incapacity of service, or exemption on account of disease upon *the chief who got* the second securities. Ten days after *the removal of* which, they become forfeited.

When warning from the one and acknowledgment from the other *occur*, double the 'seds' *are due* from the person who acknowledged up to the time of the victualling. If he (*the latter*) tenders the food, but does not do justice, he alone is chargeable, and the person who warned is quit.

If there be returning by the one and warning by the other, or acknowledgment, they (*the 'seds'*) are forfeited to the man who makes the returning; the person who warned shall make restitution.

It incurs double restitution.

It incurs double restitution, i.e. it is restitution with its double that is charged on the tribe; and they are *considered as* in acknowledgment here, or restitution with its double is incurred if the tribe were in complete recognition from the period when they might oppose contracts or covenants until the time of rendering the food-tribute. And when the time of paying the food-rent has arrived the tenancy is made binding.[1]

It incurs double restitution if the tribe acknowledge the receipt of the stock, for whatever property the tribe receive from external chiefs, and of which *their own* chief is not cognizant, is put to the charge of the tribe. If their chiefs have acknowledged the others, it is to their charge it goes. If neither the chief nor the tribe have acknowledged or returned it, restitution is *to be made* according as it was received *in this case.* No warning *was given* by eye-witnesses, nor returning *made* before proper witnesses.

If the tribe acknowledge, i.e. if the tribe were in acknowledgment during the time in which double comes on them, i.e. unless the time of their service has arrived, it is then the double lies. Is put to the charge *of the tribe*, i.e. for it is the tribe that shall pay the amount that shall come upon them to the various chieftains who are strangers to them, when the chief who had given them goodly wealth, (*i.e. stock*,) originally, is not in acknowledgment of such. If *their chiefs* have acknowledged, i.e. if their first chieftains were in acknowledgment of the last chieftains. It is to their charge, i.e. it is to their account it

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toirne, .i. irin a cuit teit, .i. ina trian. Mani atma, .i. muna rabat in flaith na in fine ina aititin. Nad innarbann, .i. muna raib indarba acu ar na fetaib ducad irin rath. Ir aithgin, .i. ir aithgin athtairgithir and fon febur ro heirned hi, ocus foigem fuil acu mair aen and. Na bi focra, .i. muna raib urrocra im an indarba acu la bith aca fir deicrin. Co nathcur, .i. cuna athcur co follus a fiadnaisi fiadan im an indarba].

Mad fodma fine.

.i. ma dia frith in fine ina fo aititin fer in fe ar a froich diablud orrud, .i. muna thainic aimsir biatta, ocus dia ti, ni cumgitrium fuaitriud, ocus coneacuit co frin; ocus flan doib fri fe in mís, acht aitgin a ratha don flaith amach cia betrium ina aititin; aitgin cuna diablad uadib imurro o frin amach, dia mbet ina aititin co haimsir biatta.

Sic.

Ir aitgin inn feb fo nerrithur.

.i. ar ir aitgin attairgithur o fir foegme do grer, fo feabur fo heirniud; ocus foegem fil and.

Ma foegum o flaith ocus o fine, ir aithgin nama.

Mar foegum o neachur de, ir dublad nama ir in rath.

Ma innurbad o nechur de ir aithgin nama. Ma innurbad uadib andsi, ir dilius doib andsi iar ndeachmuid.

O'D. 1095. [Ma beith indarba coir comerge co foltaib, na bit abaid tolaig anfeib obuill, ir dilef iar ndechmaid, acht mad ecumang no tuirbaide, mana forfoglana flaith foltaib na feotu indliged eirner.

Ma beith, .i. mada fris and inni indarbtair, ir coir eirge ima denam, cur in folaid tucad don chele amuich dindarba amach arir. Cbaid tolaig, .i. nocon ar fuad toltanach neich aile do niatrum an urrocru, no in innarba trie forfubul ir na firfreib frin, act ar daigin maithuirg riu budein. Ir dilef, .i. ir dilef iarum a haithi na

[1] *Restitution.*—Vide 1st gloss., p. 309.

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goes, i.e. to one-third. If neither *the chief nor the tribe* have acknowledged, i.e. unless the chief or the tribe were in acknowledgment of it. Nor returned, i.e. unless they sent back the 'seds' which had been given as stock. Restitution is *to be made*, i.e. restitution[1] is to be made in property as good as had been given, and both equally have warning. No warning, i.e. unless there had been warning given by them respecting the returning before one that was looking on. Returning, i.e. with returning plainly in the presence of witnesses as to the returning.

If the tribe acknowledge.

That is, if the tribe was in perfect acknowledgment of it (*the stock*) during the time in which double would come upon them, i.e. unless the time for rendering the food has arrived, and if it has, they cannot oppose it, but they can until then; and they are free *from fines* for the space of a month, but so as they give restitution of his stock to the chief when they are in acknowledgment; but they shall render restitution with its double from that forth, should they be in acknowledgment till the time of rendering the food.

Restitution as it was received.

That is, restitution is always paid by the person who warns, in as good state as it was given him; and warning *only* is in question.

If there be warning *given* by *both* the chief and the tribe, there is restitution only.

If there be warning by either of them, there is double only for the stock *to be paid.*

If there be returning by either of them, there is restitution only. If there be returning by them both, there is forfeiture to both after ten days.

If there be returning it is right to go to prove it with the property, so as it was not by any intentional trick the notice was given, it shall be forfeited in ten days, if there be no incapacity or exemption, unless the chief being wealthy has cleared the 'seds' which he had unlawfully given.

If there be returning, i.e. if what was sent away exists, it is right to go to prove it, with the property which had been given to the tenant outside, and which is to be returned again. Intentional trick, i.e. that it be not at the voluntary word of another that they give the notice, or made the returning by passing through such processes, but for the sake of benefiting themselves. It shall be

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dechmaide na feoit indarba. Acht ma, .i. ata acht lium ann in inbaid na caemnacair nech a indarba, is mann do ocus do nech he. No tusbaide, .i. do bit ar in innus cetna. Mana forogbana, .i. muna firgbana in flait dech fogaltach cuici amach na feotu eisneas anunn cu hindligtech, biaid a ndilgi do lucht tall, a dualgus innarba, o biar innarba orro.]

Tolaich ainfeb obaill.

.1. munub ar oblosfecht do ne in innusbad .i. nochan ar fuach toltunuch do nesium in oblosfechtsin is na fir frib sin, acht do dichus na fet, no nochar guad toisle do siat fe apud acht do dicus na fet, .i. nochan ar foccul toltunuch nech eile do netsium in usfogra sin, no innusbad trie forsubal is na fir freb, acht ar daigin maithiusa siu budéin.

Muna forgbana flaith foltaib na feota indligthecha eisniur.

.1. muna firgbana in flait dechfoltach amach na feotud so esnud amach (no amuich) co hindligtech, biaid a ndilgi don lucht amuig (no tall) a dualgus innarbtha, o biar innusbad osra, .i. artad for cele, ocus a fognum dib. Ocus is lair a feoit indilgi cin indusbad on flait, .i. in flait do siat in foluid.

O'D. 1096. [Ataat fecht mbeoscaitta do flatib ocus a naiccillnib unis fuasflaice dligid do coraib; imscarad imtoga co naisitiu ocus logud, cen anfolta nechtar dalina. Adgeinithir feoit saithe ineisenaiter, acht ni ima teilge logad naisiten, ocus ar dibdai foscraid fomuinn, corro scarat cen imdiubaist, co fomaine neich so fallaigter.

Ataat fecht, .i. ataat fecht mbiscaiti, fecht scaide do na bib, no fecht mbeo scaiti, fecht scaiti etusiu ina mbethaid itir na flaithib

[1] *Intentional trick.* The MS. appears to be defective here.

[2] *Within.* The words in parentheses in the Irish are aliter readings in the MS., i.e., over the letter 'a' in the word 'amach,' (outward), the letters 'ui' are written, intimating that the word should perhaps be 'amuich,' (outside); and over the word 'amuig,' (outside), the words 'no tall,' (on the other side), are written.

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forfeited, i.e. the returned 'seds' shall become forfeited after the expiration of ten days. If there be *no incapacity*, i.e. I make an exception in the case when one is not able to effect the returning, it (*the wish*) is the same to him, as if he had done it. Or exemption, i.e. existing at the time in the same way. Unless he has cleared *the 'seds,'* i.e. unless the qualified chief has cleared *and carried* to himself the 'seds' which he had given out *on interest* illegally, they shall be forfeited to the people within, in right of returning, when the returning has taken place.

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Intentional trick[1].

That is, unless returning has been done by deceit, i.e. that it be not at the designing word *of another* they practice this deceit in these processes, but to send out the 'seds,' or that it was not at the designing word *of another* that they gave notice, but to dismiss the 'seds,' i.e. that it was not at the designing word of another person that they gave this notice, or effected the returning by passing through these processes, but for the sake of benefiting themselves.

Unless the chief being wealthy has cleared the 'seds' he has unlawfully given, *&c.*

That is, unless the wealthy chief clears out the 'seds' which he had given out unlawfully, they shall become forfeited to the people within[2] by right of returning, when they had been returned, i.e. the tenants shall be bound *to their bargains*, and shall render service. And unless the chief has made returning, i.e. the chief who gave the property, *the other* shall have the unlawful 'seds' back.

There are seven separations in their lifetime between the chiefs and their tenants which dissolve the law of their engagements: a separation from choice with accepting and remitting, without any disqualification on either side. The 'seds' are produced as they were given, except what the price of accepting takes away, and the overplus of profits subtracts, so that they separate without fraud, and return *is made* of that which had been neglected.

There are seven *separations*, i.e. there are seven life separations, seven separations by the living, or seven living separations, seven separations in their lifetime between the chiefs and the people who have by choice come into a state

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ocus in luċt leiṡin uca toġaiḋe ceilṡine doib, .i. a ceile. Uniṡ fuaṡlaicus fos coṡaib cuṡ oṡaṡḋa, don flaiṫ on ceile ocuṡ don ċeile on flaiṫ. Imṡcaṡaḋ, .i. imṡcaṡ iṡ eim ḋoġaiḃe leo aṡaen do niaṫ, .i. toġa la cechtaṡ de in timṡcaṡaḋ. Co naiṡiciu, .i. ac in ceili .i. ono laiṫ. Logud, .i. acon flaiṫ, .i. on cheile. Cen anfolta, .i. cen ṡochfolta ac nechtaṡ de indannat sin. Ad geinitchin, .i. ada geinit na feoit fon faiṡe fo hesneḋ iat isin naṫ. Acht ni ima teilge, .i. aċt ani eimṫeilgeṡ luġuḋ a aiṡitniġṫi don flaiṫ aṡ a deoin. Ar diḃdai, .i. uaiṡ diḃdaiṫeṡ aṡ in flaiṫ in imaṡcaiḋ fomaine, biata, ocuṡ manċuime tuc in ceile. Coṡo fcaṡaṫ, .i. cuṡa etreṡcaṡaṫ cen emdubaiṡt neiṫ dib aca ċeile. Somaine, .i. biaḋ na bliaḋna a netreṡcaṡaṫ.]

Fuil feċt mbeoṡgaṡtha iṡ briġ briaṡ,
Iaṡ fluinniud sunn a feanċaṡ,
Leṡ noṡluaigit liubuiṡ liṫ,
O flathuib dia nacillnib.
Ucu comaḋuiṡ ceaċtuṡ de,
Tatcuṡ ocuṡ timgaiṡe,
Anfoluiḋ ċana fo leṫ,
Feṫ noṡfocluid comaiṫiġ;
Coimfriecsa nan folaḋ naṡd,
On ċele fri flaiṫ foṡaṡd;
Fri dan uṡglan, fluinnteṡ fe,
Ada nduumund and daibse.
Tuċt nat coise fo clos
Fri foṡceann flatha iṡ follus,
Feb a feċta—feġa in fsiech,—
Fsith a focluib filed.

Imṡgaṡ imṫoga fo itiṡ flaiṫ ocuṡ a celi, ocuṡ aiṫgin a flatha ocuṡ a fet tuṡcluiḋe don flaiṫ ann, ocuṡ aiṫgin biḋ na bliaḋna i ndeṁnuit imṡgaṡ, ocuṡ comaṡdougaḋ itiṡ a comloiġtiu, no itiṡ in flath taṡ aiṡṡdiġ ocuṡ in uṡlaindiġ, ocuṡ citbé dib aga mbe in imuṡcuiḋ icaḋ se cele; ocuṡ ma maiṡit a flath in tan do niaṫ imṡgaṡ, iṡ aiṡiuc do amuil maiṡiuṡ, cid deoluiġ é, uaiṡ cia doṡṡoimle aeṡ ocuṡ foġnuiṁ.

Muna maiṡiunn itiṡ, iṡ a aiṡiuc fon feabuṡ tucad é isin flath, cid be aduiġ, gnath no ingnath, fucuṡtuṡ é cinmoḋa galuṡ

[1] *Death.* The reading in O'D., 1097, is "aideo," which is the more usual spelling of the word translated "death."

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of tenancy to them, i.e. their tenants. Which dissolve, i.e. it is quickly they dissolve every lien which was between them respecting contracts hitherto, for the chief from the tenant and for the tenant from the chief. A separation *from choice*, i.e. they make separation by mutual agreement,[a] i.e. both of them make the separation from choice. With accepting, i.e. by the tenant, i.e. from the chief. *And* remitting, i.e. with the chief, i.e. from the tenant. Without any disqualification, i.e. without any disqualification on either side at that time. *The* '*seds*' are produced, i.e. the 'seds' are produced in the same good condition in which they were given as stock. But what *the price of accepting* takes away, i.e. but what the price of their acceptance by the chief takes away by his consent. And *the overplus* subtracts, i.e. for the overplus of profits, food, and labour which the tenant had rendered must be withheld from the chief. So that they separate, i.e. so that they separate without either of them cheating the other, *but a proper balance being struck and all demands paid.* And return, i.e. the food of the year in which they separated.

[a] Ir. *Chosen by both.*

There are seven life separations of great force
(After being mentioned here in the 'Senchus,'
Which books completely describe to you),
From chieftains by their tenants.
By equal choice of both parties,
By returning and withdrawing,
By disqualification of law separately,
As the neighbours shall arbitrate;
Return for the great wealth,
To be made by the tenant to the noble chief;
By noble art, be it mentioned here,
If their poverty refuses.
A form which is not proper—it was heard,—
For the ending of chieftaincy, it is manifest,
As the seven—a curious series—
Were found in the words of poets.

This is *in the case of* a separation *made* from choice between the chief and his tenant, at which the chief shall have restitution of his stock and of his returnable 'seds,' and restitution of the food of the year in which they separate, and a balance struck between their mutual accounts, or between the overplus stock and the overplus of the rent, and whichever of them has the overplus, he shall pay the other; and if the *cattle given as* stock are alive when they separate, they must be restored to him in the condition in which they are, be they ever so poor, for they may have been wasted by age and service.

If they be not living at all, *similar* cattle must be restored in as good condition as those that had been given as stock, by what death[1]

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bunuid cinnte, no cunntabartach na flatha fri fé niubaile aicinta na fet.

Nocha nfuilit beo fgartha daitfegad itir in cele ocus a fi fein, acht etusfud ocus fid etfunn, ocus giad flatha etfunn, atait beo fgartha daitfegad.

Sic.

Ma fgafud fgartu ocus bid beofgafud, nin ni ara faema flatha do fomuine nad bid a techta ann, ni diubus flaith de a lo imfgais, ma dogo a foluid fria def.

Ma fgafud, .i. ma fgafad fgafuit ocus bid fgafad na mbeatuid. Ni ara faema, .i. ani fisfaomus in flait da fomuine biata ocus manchuine, nocha bid a oliged ann. Ni diubus flaith, .i. nocha ndiubistus in flait de is in lo do niat eimfgafad. Ocus caisde tucustus in flait imin da biad ann, ocus a ic fer a lo imfgais. Ma dogo
O'D. 1094. a foluid fria def, [.i. mad comlan a folaid fri a ceilelb], .i. cach ni fos facba in flaith ar lobud lais in cele cos a la fgafda do fenus dosum is in lo degnach.

O'D. 1097. [Ma masathar feoit eisner flaith, cia dosfoimli aes ocus fognam, ma frisfognaithes fomaine co ngaisde techta, ni obund flaith a feotu cenibat fiu feib fo fath.

Ma masathar feoit, .i. ma maisit na feoit eisnes in flaith is in fad. Cia dosfoimli aes, .i. cia caitit aes na bu. Fognam, .i. na heoco, ocus na dama, .i. condat crina. Ma frisfognaithes, .i. madia fognaigtes don flait imin fomaine oligef im a biad. Co ngaisde, .i. im in manchuine. Ni obund, .i. noca olegar don flaith anobad na fet tucustar isin fad cen cu fiu iat in la do niat imscar fon febus fo eisnistes is in fad iat.

Imscarad dotluigistes flaith fri aigillni na bit

soever, usual or unusual, they (*the original stock*) may have been carried off, except *in case of* certain original disease or doubtful disease of the chief's *stock* during the natural period of the 'seds.'

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There is no separation to be considered during life between the tenant and his own king, but it is only between him and an external king, and an external chieftain, that separations during lifetime are to be considered.

If they separate, and that during lifetime, whatever profits the chief has consented to, but which are not the lawful *amount*, the chief shall not be defrauded on account of it on the day of the separation, if he has given the full *amount of* goods to the tenant.

If they separate, i.e. if they separate and that the separation be in their lifetime. Whatever *profits he (the chief)* has consented to, i.e. whatever the chief has truly consented to receive of his returns of food and labour, and which is not his *full* right. The chief shall not be defrauded, i.e. the chief shall not be defrauded of it the day on which they separate. In this case the chief has given respite for the payment of the two food *tributes*, but they must be paid to him on the day of the separation. If he has given the full *amount of* goods, i.e. if *he has given* the full stock to his tenants, i.e. everything which the chief has left by neglect *in demanding it* with the tenant till the day of their separation shall be paid to him on the last day.

If the 'seds' which the chief had given be living, though age and service may have wasted them, if the profits have been rendered with the lawful service, the chief shall not refuse *to accept of* his 'seds' although they are not worth what they were when he gave them *as stock*.

If the 'seds' be living, i.e. if the 'seds' be living which the chief had given as stock. Though age may have wasted them, i.e. though age may have wasted the cows. Service, i.e. the horses and the oxen, i.e. which are grown old. If *the profits* have been rendered, i.e. if the chief has been served by the commodities which are due to him for his food. With the *lawful* service, i.e. as to the work. *The chief* shall not refuse, i.e. it is not right for the chief to refuse *to accept of* the 'seds' which he had given as the stock although they are not of the same value on the day that they separate as they were when they were given as stock.

In a separation which the chief requests from the

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anfolaid in ceili gaibter ann, fo facaib flaith trian dib. Munabat ucca lar in ceile, ir ecen donimairg do riar a flatha, ar dligid cach flaith a rein, mad forfoltach.

Aithgin do flaith acht trian facaib dib, munab ar diumunn in ceili lar in flaith, na bi anfoltach nechtar da lina corp fcarat. Irred bernar an fola timgairi, trian faccaib iarum ma fruifrognaithes flaith foltaib.

Imfcarad, .i. in timfcar todlaigter in flaith ar in ti leifin uca dogaibe ceilfine do. Na bit anfolaid, .i. nocan iat dfrocfolaid in ceili gabair and. Trian dib, .i. ar fcath timgaire. Munabat ucca lar in ceile, .i. munab uctogaibe leir in ceile. Ir ecen, .i. cenip toga, .i. conad ecen dligeb timairfer air a flaith do rein. A rein, .i. do ceilib. Aithgin, .i. na fet. Acht trian, .i. ar fcath timgaire. Munab ar diumunn, .i. munab ar dimiadaibe in ceile fir in flaith do ni imfcar fris. Na bi anfoltach, .i. muni rabat dfrocfolaid ac nechtar de in da nannad fin. Corp fcarat, .i. co ndearnat imfcar. Irred bernar, .i. ifi dfrocfolaid air bernur trian imme timgaire do bith aice. Ma fruifrognaithes, .i. madia fognaigter in flaith im na foltaib dligef, ir and ata fain. Foltaib, .i. biathad ocus manchuine.

In timfcar todluigtes flaith fri aigillni, dilfi trin in fata ocus in freoit tuidluide uili don ceile ann, ocus dilfi bid na bliadna i netarfcarat, ocus airic na comloigti on flaith, ocus dilfi na comloigti don ceili; ocus aithgin feib fo fath ir in da trian aili don flaith.

Imfcarad athcuis cen anfolta flatha fora nathcuiched, na bi ar digni, acht accobra faifie, na bi ar telgud do flaith aili, aithgin con diabul dringid

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tenant not on account of any disqualification of the tenant, the chief shall forfeit one-third of them (*the* '*seds*'). If the tenant submit not he shall serve the chief by increased services, for every chief is entitled to service, if he (*the tenant*) is qualified.

Restitution *is due* to the chief, except one-third which he leaves of them (*the* '*seds*'), unless it be out of contempt of the tenant for the chief that they separate, when there is no disqualification on either side. What subtracts from the stock is the recalling, *and* one-third is subtracted if the *proper* services have been rendered to the chief.

A separation, i.e. the separation which the chief requests of the person who had chosen to be in tenancy to him. No disqualification, i.e. it is not the bad qualifications of the tenant that are the cause of it. One-third of them, i.e. on account of recalling. If the tenant submit not, i.e. unless the tenant chooses. He shall *serve*, i.e. if he has chosen, i.e. he must submit to the law which his chief shall impose upon him. Service, i.e. from the tenants. Restitution, i.e. of the 'seds.' Except one-third, i.e. on account of recalling. Unless it be out of contempt, i.e. unless it be out of disrespect *on the part* of the tenant for the chief that he separates from him. When there is no disqualification, i.e. unless there be disqualifications on either side. That they separate, i.e. when they make the separation. What subtracts, i.e. the recalling is the bad qualification which subtracts the one-third. If *the proper services* have been rendered, i.e. if the chief has been rendered the services which were due to him, it is then this is so. Services, i.e. the food and the labour.

In the separation which the chief requests from the 'aigillne'-tenant, the one-third of the stock and of all the returnable 'seds' are forfeited to the tenant, and the food of the year in which they separate is forfeited, and the 'comloigthe'-payments made must be returned by the chief, and the 'comloigthe'-payments are due to the tenant; but restitution of the other two-thirds of the stock shall be made to the chief in the same condition that he gave them.

In a separation by return *of the stock* without any disqualification of the chief to whom the return *of stock* is made, when there is no contempt *intended*, but desire of 'saer'-*stock* tenure, when there is no removal to another chief it is justly said that restitution with its

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dlomċair inraic; air ir inraic cach naithgin co ecubur; ecubur cach ndiumur do mididen mamu; inbrogaid cach romuine co diabul do neoch ro metha, cenmoċa rmaċt etaim meth naigillne. Diablad dno don romuine na bliadna i nathcuirċer, mad forfoltach in flaith for a nathcuirithen.

Imrcarad, .i. imrcar athcuir on ċeile can droċfolta ec in flaiṫ for a ndeintar in taṫċur. Na bi ar dignu, .i. nocun ar dimiadaide leir na flaṫa. Acht accobra, .i. aċt ara met ir acobair leir bith a rairi, .i. lair in ceile. Na bi ar telgud, .i. nocan ar a telgud don flaiṫ eile. Aithgin, .i. dreimniġṫir aithgin a raṫa, ocus a feoit tuaiċlaide don flaith ann, co na diablaṫ. Dlomċair inraic, .i. raiter no airneigter rin co hinnraic. Ar ir inraic, .i. ar ir aithgin imich dlegar ann. Co ecubur, .i. con droċcubur diumainn do biṫ aice ind. Ecubur, .i. ir droċcubur don ti dimiadaider inti da meirumnaigenn modugad no greim ceilrine. Mamu, .i. firenaiġṫir caċ romaine biaṫa ocus manċuine co na diablad don flaiṫ, .i. caċ naninfraic nanfoit. Cenmoċa, .i. do neoċ ro meċur do ċeilrine na flaṫa. Smaċt, .i. cenmoċa inni fínaċtaigter a meṫ uca ṫoġaide, acht na ceilrine in ċumal, uair noco bia riġi ann, no ce beṫ, noco bia a diablad. Diabladh, .i. diablad bid na bliadna a netarfcarat. Mad forfoltach, .i. mad eṫfoltach in flaith for a ndeintar in taṫċur. For a nathcuirithen, .i. in raṫ.

Imrcar ar acobra faire rin do ni in cele rir in flaith. Aiṫgin a raṫa ocus a feoit tuaiċluide, ocus bid na bliadna a netarfcarat, co na diablad uili don flaiṫ ann, ocus airic na comloiġṫi on ceil, ocus dilri na comloiġṫi don flaiṫ.

Gurboirgell no gurfiadnaire do rigne in flaiṫ ar in ceil and rin; ocus cemad re nech eile do gneṫ, ir fogail imrcar illeit rir in ceile, ar a eclaide leir a denam rir fein; ocus comarbugad intin raṫ ocus na feṫ mbiada, amail bo marb in flaiṫ, ocus cidpe dib ca roib an imarcraid, iccid re ceile; ocus ce lecfar a elo ima biad etir, imdibaid a droċfolaid ime, co na fuil aċt aithgin a raṫa do.

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double *is to be paid*; for every restitution is perfect till bad faith *is proved;* every contempt which is shown to authority is bad faith; every profit is increased to double in what is failed in, except the fixed 'smacht'-fine for failure of 'aigillne'-tenancy. And there shall be double of the profits of the year in which the returning *of the stock* takes place, if the chief to whom the return of stock is made, is qualified.

Separation, i.e. separation by the return *of the stock* by the tenant without any disqualification of the chief to whom the returning is made. When there is no contempt, i.e. it is not out of contempt of the chief. But desire *of 'saer'-stock tenure*, i.e. but on account of his great desire for 'saer'-*stock* tenure, i.e. the tenant's. When there is no removal *to another chief*, i.e. it is not for the purpose of going over to another chief. Restitution, i.e. restitution of his stock, and his returnable 'seds' with double, is made to the chief. Justly said, i.e. this is said or stated honestly. *For every restitution* is perfect, i.e. for perfect restitution is due here. Bad faith, i.e. it is bad faith for him to have contempt in this case. Bad faith, i.e. it is bad faith for the person who contemns him to whom he owes submission or tenancy service. Authority, i.e. every service of food and labour shall be made good, with double to the chief, i.e. every unintentional dishonesty. Except, i.e. what is failed in as to the tenancy service *due* to the chief. The *fixed* 'smacht'-fine, i.e. except the fine that is imposed for the failure of the service in the case of option of tenancy; except the 'cumhal,' for this shall not be imposed, or should it be, it shall not be doubled. Double *of the profits*, i.e. double of the food of the year in which they separate. If qualified, i.e. if the chief to whom the return *of his stock* is made is qualified. To whom the return is made, i.e. to whom the stock *is returned*.

This latter case is a separation which the tenant makes from the chief from a desire of 'saer'-*stock* tenure. In this case restitution of his stock and of his returnable 'seds,' and of the food of the year in which they separate, with the double of them all is to be made to the chief, and the return of the arrears remitted by the tenant, and the forfeiture of the arrears remitted to the chief.

In this case the chief had borne false judgment or false testimony against the tenant; and even if it were against another person he had borne them, it would be a crime sufficient to entitle the tenant to separate from him, from his fear of the same being done to himself; and an adjustment shall be made between the stock and the seven victuallings, as if the chief were dead, and whichever of them had the excess, he shall pay the other; and though he was evaded as to his food, his bad qualification disentitles him, so that he shall have but restitution of his stock.

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Imscarad fri anfolta flatha, mad fi ber anfolach, scarad cen imdiupairt, confodlaithes colla fet saithe in esenaites fri somaine, ma frithfognaithes con gaithe techta. Mani fritfognaithes, aithenat anfolaid flatha fuillima, fesdais collna fet inaithcuis, mana frifognaithes.

Imscarad, .i. in timscarad do niat thie thoscfoltaib na flatha. Mad fi, .i. mad he in flaith ber thoscfoltach. Scarad, .i. scarad cen emdiubairt neich dib aca cheile. Confodlaithes, .i. is cain fodeilgtes colla na fet fon saithe so hesnit iat is in rath. Esenaites, .i. cun cheile. Fri somaine, .i. frith in mbiathad ocus frith in manchuine. Ma frifognaithes, .i. ma tainic aimsir in fognuma imin mbiad. Con gaithe, .i. im in manchuine. Mani fritfognaithes, .i. muna tainic aimsir in fognuma. Aithenat, .i. aithimmit, .i. aitisimdibit a thoscfolaid imin flaith na tabais fuillium do re rath. Fesdais, .i. atbaiscigtes aithgin colla a fet dachur do. Mana frifognaithes, .i. muna tainic aimsir in fis fognuma.]

Imgabud fri anfolta flatha.

.i. is iat anfolta a deis ann ag in flaith gusoigell no guadiadnuisi, .i. ar nach eile ar eagluide lais a denum lais fén; ocus da mad ar cele budein, nocha luga les ina diumunn, ocus co necuit a celidi udein imgabar fes, uair is esinnuic é; ocus comardugad etir in mbiathad ocus in manchuine, amuil bu marb in flaith ann; ocus in rath, ocus fet tuscluide; ocus gid be dib aca mbe in imuscuid icuit re cele. Ma tainic aimsiur in fognuma is ann ata sin; ocus muna tainic, is aitgin a flatha ocus a fet tuscluide don flaith, ocus airiuc na comloithe on flaith, ocus dilsi na comloigte don cele.

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In a separation in consequence of the bad qualifications of the chief, if it be he that is disqualified, —a separation without defrauding—the original 'seds,' in the same condition in which they were given, shall be balanced against the services, if the services have been rendered in proper work. If the services have not been rendered, the disqualifications of the chief shall deprive him of interest, but the original 'seds' must be returned, if the services have not been rendered.

Separation, i.e. the separation which they make through the disqualifications of the chief. If it be he, i.e. if it be the chief that is disqualified. A separation *without defrauding*, i.e. a separation without defrauding each other. Shall be balanced, i.e. the original 'seds' as they were given in the stock shall be fairly counterbalanced. They were given, i.e. to the tenant. Against the services, i.e. against the victuallings and the labour. If the services have been rendered, i.e. if the time of rendering the food service had arrived. In *proper* work, i.e. in the manual labour. If the services have not been rendered, i.e. unless the time of the service has arrived. Shall deprive, i.e. his disqualification takes away, i.e. deprives the chief *of his right* to receive interest with his stock. Must be returned, i.e. the original 'seds' are bound to be returned to him. If the services have not been rendered, i.e. if the time of rendering the services has not arrived.

Separation on account of the bad qualifications of the chief.

That is, the bad qualifications mentioned here on the part of the chief are false judgment or false witness, i.e. *which he bore* against another from his fear of the same being done to himself; and if *he has acted thus* towards his own tenant, it is no less to him than contempt, and his own tenants can separate from him, for he is unworthy; and an adjustment *shall be made* between the victualling and the labour, as if the chief were dead, and the stock and the returnable 'seds;' and whichever of them has the excess shall pay the other. This is the case if the time of the service has arrived; and if it has not arrived, the chief shall have restitution of his stock and his returnable seds, and the 'comhloighthe'-settlement shall be returned by the chief, and the 'comhloighthe'-settlement shall be forfeited to the tenant.

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O'D. 1100.

[Imrcaṙad ṙri hanmolta aicgillne, mad anfoltach in cele ṙriṙ in ṙlaith, arrien aṙ cach naitgin cona dirriu, amail bid gad ro gatad. Acht ir cuicce reithid an dirri co tairiredar i lan log einach na flatha, ni fuillend dirri dar fodain, la diabul naithgina cach colla ocus cach feoit, la diabul fuillima, mate nama anfolaid in cele falla frithgnama.

Imrcaṙad, .i. in timrcaṙ do nithir trie drochfoltaib in ċeile. Mad anfoltach in cele, .i. mad drochfoltach in ceile ṙirin ṙlaiṫ im na neiċib ṙin. Cona dirriu, .i. cus in ni ir dir le. Amail bid gad, .i. im lan dire ocus im leṫ dire ocus im trian dire do ṙiṫ re tri fedaib dib. Acht ir cuicce, .i. ata aċt lium and cuṙab e airet reiṫer in dire ṙin cu ti lan log eneċ na flatha de. Ni fuillend, .i. nocon foileaṫann a dire dar inni adairin. La diabul, .i. la aithgin cona diablad caċ neiċ do colainn in flatha, ocus in tṙeit tuṙclaide ṙir na reiṫ in dire. Cach colla, .i. in raith. La diabul fuillima, .i. biad na bliadna a netarṙarat, .i. cumal ocus diablad in bid. Mate nama, .i. mad iat drochfolaid ber ac in ċeile nama, raill do denum im fricnaiḋ, ir and ata rain.]

Imrgarud ṙri anbfolta aicillne feo; ocus ir iat anfoluid uil aig in cele ann, raill ṙrichnuma do denum im na ṙriṫ biadud. Ired ir raill ṙrichnuma cin biad do torrachtuin ina uide ice coir. Lan dire, ocus leṫ dire, ocus trian dire do ṙith re gac tri fedaib do coluinn in ratha ocus in fet tuṙcluide, co ti log einiuċ na flatha de; ocus ma ta ni don fet tuṙcluide rer na reth in eniuclunn, ir aitgin ride cuna diabluḋ, ocus aitgin gaċ neċ rer i reth, ocus diabluḋ bid na bliadna i neatuṙrgaruit, ocus airiuc na comloigthe on cele, ocus dilri na comloigthe don flaiṫ, ocus cumul; no dono, co na beṫ cumul do grer, acht a mbiad treaṙb no rgeathuch.

[1] *Disqualifications.* The word 'anmolta' rendered disqualifications here, seems to be a clerical error for 'anfolta,' which occurs several times in the laws, and is found in the corresponding passage of the other MS. H. 3, 17, or O'D. 291.

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In a separation on account of disqualifications[1] as to tenancy, if the tenant be disqualified towards the chief, he shall pay restitution with 'dire'-fine, as if it were theft that had been committed. But it is to him the 'dire'-fine shall accumulate till it amounts to the full honor-price of the chief—the 'dire'-fine does not increase beyond that—with double restitution of the original *stock* and the *returnable* 'seds', with double interest, if neglect of service was the only disqualification of the tenant.

A separation, i.e. the separation which is made in consequence of the disqualifications of the tenant. If the tenant be disqualified, i.e. if the tenant be disqualified in relation to the chief in these things. With 'dire'-fine, i.e. with the thing that is due in addition to it. As if it were theft, i.e. full 'dire'-fine and half 'dire'-fine, and one-third 'dire'-fine shall accumulate on three 'seds' of them. But it is to him, i.e. I have an exception, that the extent to which the 'dire'-fine runs is until it amount to the full honor-price of the chief. The '*dire*'-*fine* does not increase, i.e. the 'dire'-fine does not increase beyond that particular. With double *restitution*, i.e. restitution with double of everything of the original stock, and of the returnable 'seds' with which the 'dire'-fine runs. The original, i.e. of the stock. With double interest, i.e. the food of the year in which they separate, i.e. the 'cumhal' and double of the food. If it was the only *disqualification*, i.e. if the only disqualifications of the tenant be to have neglected the service, it is then it is so.

This is a separation on account of disqualifications as to tenancy; and the disqualifications of the tenant are his having neglected to perform the service respecting the principal victuallings. Neglect of the service means not to forward the food at the period of its payment. Full 'dire'-fine, and half 'dire'-fine, and one-third 'dire'-fine shall run with every three 'seds' of the original stock and of the returnable 'seds,' until it amounts to the honor-price of the chief; and if there be any part of the returnable 'seds' with which the honor-price does not accumulate, the restitution of that with its double, and the restitution of everything with which it runs *shall be paid*, and the double of the food of the year in which they separate, and the return of the 'comhloighthe'-settlement by the tenant, and the forfeiture of the 'comhloighthe'-settlement to the chief, and a 'cumhal' *as a fine;* or indeed *according to others* the 'cumhal' *as a fine* is not always due, but in *case of* bitter or mawkish food.

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O'D. 1101.

[Bit dono anfolaid beca and ceana na tuillet anisiu, acht iccaidtar fris in flaith ar a sein fadeisin, ma beith ina foltaib coisib, arus and dligid flaith in fuillet fa.

Bit dono anfolaid, .i. bid drochfolaid beca and cena, ocus noco tuillet no noco airiltnigfet in ni feo atrubrumar fomaind innsib, .i. famie, ocus crimmes ri. Ar a sein fadeisin, .i a sein dligid a fmacht fein innsib. Ma beith, .i. mada foib in flaith is na foltaib dlegar de do sein doir. Arus and, .i. atrubrumar fomaind.

Imfarad contechgatar anfolaid cechtar dalma, an am inda fiecsat anfolaid fo cutruma, isfarad cen imdiubairt doib, co fomaine ocus aithgin feib fo fatha, imdenat fiadain infuice atcondarcatar in tan fo fatha; no iarum is a sein breitheaman achtrand doib arsenar a fomaine ma beith and.

Imfarad, .i. in timfarad coitchennaigit drochfolaid cechtar de indanainat fin, in flaith ocus in ceile fo cutruma. An am, .i. an uair siecsus drochfola caid dib a ceile. Isfarad cen imdiubairt, .i. fcarad doib can emdiubairt neich dib aca ceile, .i. ni cheit a nairem colla funn fomaine mbid, uair ifad indligtig diblinaib. Co fomaine, .i. biad na bliadna a netarfcarad. Aithgin feib fo fatha, .i. aithgin in fata ocus in feoit tuisclaide fon febus fo hesined iat. Imdenat fiadain, .i. is eim do niat na fiadain innsaice cu facatar iat in tan fo heisined na feoit is in fat. No iarum, .i. ar a haithlti. Is a sein breitheaman, .i. is a sein in breitheaman is un-arsainn doib im in fomaine eisnitet acu, mada foib etusid and int imfarr no in imsesain, .i. uair ifad indligtig diblinaib. A fomaine, .i. na feoit do biud ocus fath.

[1] *Curds.* This is explained in O'D., 520, as a collation of curds and butter and milk which is given in the summer.

[2] *Cheese.* This is also explained in O'D., 520, as a feast which is given to the chief in the time of the 'creamh' (wild garlic harvest). It consisted of cheese and milk.

[3] *Defrauding the other.* In O'D. 292, there is added here, .i. comairm itir in mbiad, ocus in tuar ocus in lor ocus in mblicht; muna be log in

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There are also minor disqualifications which do not merit this thing, but payment shall be made to the chief according to his own will, if he be in his proper qualifications, for it is then the chief is entitled to this addition.

There are *minor* disqualifications, i.e. there are also small disqualifications, and they do not deserve or merit this thing which we have said before *as a fine or penalty* for them, (*i.e. neglect of service respecting the minor foods*), i.e. curds[1] and butter and milk collation, and the cheese[2] and milk feast, &c. According to his own will, i.e. according to law he (*the chief*) has his own 'smacht'-fine for them. If he be, i.e. if the chief be in *possession of* the qualifications which he ought to have by right. For it is then, i.e. as we have said before.

In a separation caused by the disqualifications of both parties, when the disqualifications correspond equally, they part without any defrauding, with services and restitution *of the stock* as it was given, which is proved by worthy witnesses who saw the stock when it was given ; or afterwards it is according to the adjudication of an external party they shall pay the services if *the separation* takes place.

A separation, i.e. the separation which the disqualifications of both the parties unite to bring about, *i.e.* the chief and the tenant equally. When, i.e. when the disqualifications of both correspond *and are equal* to each other. They part without any defrauding, i.e. they separate without the one defrauding the other,[3] i.e. the services of the food do not enter into the computation of the original stock, for both are illegal. With service, i.e. the food of the year in which they separate. Restitution *of the stock* as it was given, i.e. restitution of the stock and of the returnable 'seds' in as good a condition as they were given. Which is proved by witnesses, i.e. the worthy witnesses quickly prove that they had seen them when they were being given as stock. Or afterwards, i.e. after that time. It is according to the adjudication, i.e. it is according to the adjudication of an external party between them respecting the services which shall be paid by them, if the separation or the dispute took place, i.e. for both are illegal. Services, i.e. the 'seds' of food and stock.

bró ann, tuillter fris fon aicher. "There is an adjusting here between the food *on the one hand*, and the manure, the increase, and the milk *on the other;* if they do not amount to the price of the food, addition shall be made to them out of the restitution, *i.e. the stock which was to be returned.*"

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Imscar con teathgatar anfolaid cechtar dalma fain; ocus aithgin a fratha ocus a feoit tuscladbe don flaith ann fon febus fo esnestar iat isin frath, ocus aithgin bid na bliadna i netarscarat, ocus comaisdugud itir a comloigtib; ocus as i a deithbir feo ocus in dimscar imdoga thuas, aithgin in fratha ocus in tfeoit thuscladbe sund fon febus fo hesnid, cia maisit gen cu maiset, ocus nocu nuil tuas in ninbaid maisit, acht a ngabail cid deolaid iat.

Nach flaith be foroltach isi imandene feib a fet do neoch nad bi deasb la fiadna, ocus is a fesi icclais aithgein ocus fuillium, mana taisiset a gubseacha, nach a gusoisgell, nach a mignima, nach a misolaid frisa deis.

Nach flaith, .i. nac flaith bes degfoltaé ise do ni imdenum a fet fo febtaid. Feib, .i. febus. Do neoch nad bi deasb, .i. do neoé na bi deimin lais na fiadnaib. Is a fesi, .i. as a breithemnis fein. Fuillium, .i. im in dise, .i. in bid. Mana taisiset, .i. muna taithnet a gubseatha as imleas neié aile. Nach a gusoisgell, .i. ima leas budein. Ac misolaid, .i. nad dioéfolaid frisa ceilib, no frisa feasund, .i. briath.

Mad in cele tachcuisidesi fais as dimund lais, is he foroltach, dligid log neinech la diabul naithgina a dligid olcena.

As dimund, .i. as dimiadaide leis na flatha, .i. a da diumand ann so sis. Is he foroltach, .i. is e degfoltach in flaith. Dligid log, .i. dligid eneclann in flaith. La diabul naithgina, .i. la

[1] *Condition.* 'Deolaid,' means poor, lean, in bad condition.

[2] *Land.* The Irish word 'deis' means either tenants or land. *Vide* Stokes, Old Irish Glossaries, pp. 73, 76.

[3] *The chief.* In O'D. 292 there is added here, no ni sin lais bed aice "or he does not think it worth his while to remain with him."

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

This is *in the case of* a separation which the disqualifications of both the parties (*the chief and the tenant*) tend equally to bring about; in this the chief shall have restitution of his stock and of his returnable 'seds' in as good condition as he gave them as stock, and restitution of the food of the year in which they separate, and an adjustment shall be made between their 'comhloighthe'-settlements; and the difference between this and the 'separation from choice' above *treated of* is, that *in this case* restitution of the stock and of the returnable 'seds' is made in as good condition as they were given, whether they are living or not living, and in the case above that when they are living, nothing is *prescribed* but to accept of them be they in ever so bad a condition.[1]

Every chief who is qualified can prove the goodness of such of his 'seds' as are not certified by the witnesses, and it is according to his *own* will restitution and interest shall be paid, if his false judgments, or his false witness, or his evil deeds, or his disqualifications towards his tenants or land[2] do not prevent it.

Every chief, i.e. every chief who is qualified is the person who proves his 'seds' as to their goodness. Goodness, i.e. goodness *of condition*. Such as are not certified, i.e. such as are not certain to the witnesses. His *own* will, i.e. according to his own decision. Interest, i.e. as to the 'dire'-fine, i.e. of the food. Do not prevent it, i.e. unless his false judgments to the prejudices of another hinder it. Or his false witness, i.e. in favour of himself. His evil deeds, i.e. his disqualifications, i.e. his bad qualifications towards his tenants, or towards his land, i.e. to betray *them*.

If it be the tenant that returns to him out of contempt to him, when he is qualified, he (*the chief*) is entitled to honor-price with double restitution of all that is due to him.

Out of contempt, i.e. out of disrespect to the chief,[3] i.e. two *cases of* contempt here. When he is qualified, i.e. the chief is duly qualified. He is entitled to *honor*-price, i.e. the chief is entitled to honor-price.[4]

[4] *Entitled to honor-price.* In O'D. 292 there is added here, .i. einiuclann fo cinnuid if in diumus fo cetoir; ni hinann ocus in dimgabud aile arba nanfola, dire a fuigud ma lugu and a einecland. "That is, honor-price was determined for the contempt at once; it is not the same as the other separation in which there are two disqualifications, and for which there is 'dire'-fine when it is less than honor-price."

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aithgin cona diablad in neic aile dligeb uili cena; biad na bliadna a netarscarad ocus các neic aile dligeb.

Mad do urglan fria flaith aile, na bi ar diumund, is leath log einach na flatha, la diabul naithgina do collnaib fet ocus do fomaine; inge mad dligtechu ar ord flatha, flaith ceniul techta, na be dligtechu ar fintiu, is trian loge einech don flaith for a tathcuirichter, la diabul naithgena a fet, la ni fo meatha.

Mad do urgian, .i. mad fir glanad re flaith aile. Na bi ar diumund, .i. ocus nocan ar dimiadaide leis. Leath log einach, .i. is leith eneclann don flaith ann. La diabul, .i. la aitgin cona diablad do do collaib na fet tucad is in frat ocus is in fet tuiclaide. Do fomaine, .i. biad na bliadna a netarscarat beous, .i. diablad do fomaine in bid. Mad dligtechu, .i. ma dligtigi ar ord flaithi, is cuice fadus ocus ni cum neich aile. Ceniul techta, .i. cenel flatha dligtigi eireic, .i. mac flatha, ocus ua araile. Na be dligtechu, .i. ma dligtigi, is trian facbus do log eneć don flaith. Ar fintiu, .i. ar fini duthaig, ar duthaig na fine. Trian loge einech, .i. a eneclainde. For a tathcuirichter, .i. a fatha ocus a ceilfine. La diabul, .i. in fatha ocus in treoit tuirchlaide. La ni fo meatha, .i. la diablad in neich fo methus ann, biad na bliadna a netarscarat.

In timscar ar diuimond do ni in cele fir in flaith, diablad a flatha ocus treoit tuiclaide don flaith ann, ocus diablad bid na bliadna a netarscarat, ocus cumal ocus eneclann re taeb fain, ocus airec na comloigti on cheli, ocus a ndilgi don flaith.

Munab ar diumunn itir, acht do urgiain re flaith eile, is leith eneclann don flaith ann, ocus diablad a flatha ocus a

[1] *More lawful.* In O'D. 293 there is added here, o mac in boairig tig co flaith achus ocus seanathus, "he goes from the son of a 'bo-aire'-chief to the chief whose father and grandfather were chiefs."

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With double restitution, i.e. with restitution, and its double of every other thing to which he is entitled; the food of the year in which they separate, and everything else to which he is entitled.

If it be to clear off to another chief, and not out of contempt *that the tenant separates*, it is half honor-price that is due to the chief, with double restitution of the original 'seds' and of the services; but if he (*the chief to whom he goes over*) be more lawful as to rank, a chief of legitimate family, and if he be more lawful as to tribe property, it is *only* one-third of honor-price that is due to the chief to whom *the stock* is returned, with double restitution of his 'seds,' together with what was failed in.

If it be to clear off, i.e. if to make a true removal to another chief. And not out of contempt, i.e. it is not out of disrespect to him. Half honor-price, i.e. half honor-price is due to the chief for it. With double *restitution*, i.e. with restitution, and its double of the original 'seds' which were given as the stock and as the returnable 'seds.' Of the services, i.e. the food of the year in which they separate also, i.e. double the services of the food. *But* if *the chief* be more lawful,[1] i.e. if he be more lawful as to chieftain rank, it is to him he will go and not to anyone else. Of legitimate family, i.e. he is of the race of the lawful chief, i.e. the son of a chief, and the grandson of another. If he be more lawful, i.e. if he be more lawful, it is one-third he resigns as honor-price to the chief. As to tribe property, i.e. the hereditary tribe land, the hereditary land of the tribe. One-third of honor-price, i.e. of his honor-price. To whom *the stock* is returned, i.e. his stock and his holding. With double *restitution*, i.e. of the stock and of the returnable 'seds.' With what was failed in, i.e. with double of the thing that was failed in, i.e. the food of the year in which they separate.

In the separation for contempt which the tenant makes from the chief, double his stock and his returnable 'seds' *are due* to the chief, and double the food of the year in which they separate, and a 'cumhal' and honor-price besides, and repayment of the 'comhloighthe'-settlements *is to be made* by the tenant, and they are forfeited to the chief.

If it be not out of contempt at all, but to clear off to another chief, *that the separation is made*, it is half honor-price that is *due* to the chief for it, and double of his stock and his returnable 'seds,' and double the food of the year in which they separate;

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treoit tuirclaide, ocus diablad bid na bliadna a netarscarat; ocus ni dligtechu ar oird flatha he, ocus ni neru ar oird fintiuga. Ma ta nechtar de dib aice, is trian neimeclainde don flaith ann, ocus diablad a fatha ocus a tréoit thuirclaide don flaith ann, ocus diablad bid na bliadna i netarscarat. No cona beith acht aithgin, mad tait mair aen aice, is diablad a fatha ocus a treoit thuirclaide do, ocus aithgin bid na bliadna i netarscarat.

Mad dligtechu ar fintiuch is diabul naithgina fet nama, ocus aithgin fomaine. Nach cele foroltach, ocus mad anfoltach in flaith, erinnic, guach, gubreathach, conad fuirb amires, ocus bid indnic in cele, foroltach, ise do toing cach nimtheran bis etarru ocus a flaith; acht forgellat fiadain coitechta indraice etarru. Muna bet fiadain occaib, is a reir in foroltaig arrenar.

Mad dligtechu, .i. ar a fine dutaig, ar dutaig na fine. Ar fintiuch, .i. ar bratairi. Diabul naithgina, .i. in fata ocus in treoit tuirclaide. Aithgin fomaine, .i. biad na bliadna a netarscarad. Nach cele foroltach, .i. ber degfoltaid im comallad a dligid. Mad anfoltach, .i. ma drochfoltaid in flait im eirinnucus ocus im indligud do denum. Erinnic, .i. i mbreithir, .i. im brath. Guach, .i. i luigi, .i. im fiadnaisi. Gubreathach, .i. berius breatha gua. Conad fuirb, .i. co firfeibenn a fir umalar he. Indnic, .i. o briathraib. Sofoltach, .i. degfoltaid he o gnimradaib. Ise do toing, .i. ise do ni imdenum caid imthema bis etarru ocus a tigerna. Acht forgellat. i. act ani foirgfit na fiadain comdligtecha indraice etarru. Coitechta, .i. doibrium. Indraice, .i. fri caid. Muna bet fiadain occaib, .i. gleer a nimtheran. Is a rein, .i. is a rein in ti aca mbit na degfolaid eirnigter i nimtheran do gleod. In foroltaig, .i. in éeile.]

Mara dligthuch in ceann cid no cid indligthuch in meamur, is breithiumnur, ocus imdenum, ocus fiadnuisi don cinn for in meamur.

[1] *False judging.* In O'D. 293 there is added here: im ler neé eile ocus cid im a ler budein, ni lugaire is rudair, "whether it be for the welfare of another or for his own welfare, it does not lessen the enormity of the crime."

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and he (*the chief to whom he went*) is not more lawful as to order of chieftainship, and he is not nearer in point of kindred. If he (*the tenant*) has either of them (*of these reasons to urge*), it is one third honor-price that is *due* to the chief for it, and double of his stock and of his returnable 'seds' is *due* to the chief also, and double the food of the year in which they separate. Or if he has both these *reasons* there is only restitution, and double of his stock and of his returnable 'seds,' and restitution of the food of the year in which they separate.

If he be more lawful as to kindred it is only double restitution of the 'seds' *that is due*, and restitution of the services. *As to* every duly qualified tenant, if the chief be disqualified, unworthy, lying, false judging, one who impugns the truth, and that the tenant is worthy, qualified, it is he (*the tenant*) that decides every dispute that is between him and his chief; but lawful and worthy witnesses bear testimony between them *if such are to be had.* If they have not witnesses, it is according to the qualified person payment shall be made.

If he be more lawful, i.e. as to the tribe property, the hereditary property of the tribe. As to kindred, i.e. brotherhood. Double restitution, i.e. of the stock and the returnable 'seds.' Restitution of the services, i.e. the food of the year in which they separate. *As to* every duly qualified tenant, i.e. who is qualified as to keeping the law. If *the chief* be disqualified, i.e. if the chief be disqualified by unworthiness and commission of illegality. Unworthy, i.e. in word, i.e. in betraying. Lying, i.e. in swearing, i.e. as to testimony. False judging,[1] i.e. who pronounces false judgments. One who impugns *the truth*, i.e. his knowledge cuts him off from doubt. Worthy, i.e. in words. Qualified, i.e. well qualified by deeds. It is he that decides, i.e. it is he that decides every dispute that is between him and his lord. Bear testimony, i.e. except in what the lawful worthy witnesses bear testimony between them. Lawful, i.e. *equally lawful* to them *both*. Worthy, i.e. to all. If they have not witnesses, i.e. who settle their disputes. It is according to *the qualified person*, i.e. it is according to the person who has the qualifications that the right is ceded of settling their disputes. The qualified person, i.e. the tenant.

If the chief be lawful, and the member *of the tribe* lawful or unlawful, the chief has judgment, and proof, and witnesses upon the member.

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Mara dligthuch in meamur, ocus indligthuch in ceann, ir breitheamnus, ocus fiadnuisi, ocus imdenum don meamur air.

Mas indligthuch araen, no cid dligthuch in meamur, muna fuil breitheamnus aige, no ge ta, munus airberthnuig in breitheamnus do breith, ir ann diaguit a fuigell a mbeolu aithrinn.

Nach cele ber forcoltuch.

.1. imgabad fri hanfoltuib flatha annso, ocus ir iat anfolaid uil aige ann diumund. Dilsi thiain in fratha don cele ar fgath timgaire, ocus lan einechland don cele do da thian in fratha, ma tig de, ocus muna tig, ir fuillid fer do fetuib eile na flatha, co roib lan einechlann in cele ann, ocus dilsi a fata uada, ocus a feoit thirchluide, ocus dilsi bid na bliadna a ndentuir in timgabail, ocus dilse a comloigde don cele, ocus airiuc a comloigde on flaith.

Mas da tabuirt a frath do cele eile, ocus ni huairle i ngrad erbe, ocus ni neara ar urd finntedba, ocus ni neara ar fomaine biata ina manchuine, na comruinn dibuid, dilsi thiain in fratha, ocus let einechlann don cele do da thian in fratha; ocus dilsi a fet thirchluide, ocus dilsi bid na bliadna i ndenuit imgabail, ocus dilsi a comloigde don cele, ocus airiuc a comloigde don flaith.

Mara nera i ngrad é, no mara neara ar urd finntedba, no mara neara ar fomuine biata no manchuine, no re comruinn dibuid, dilsi thian in fraith don cele ar fgath timgaire, ocus thian einechluinne don cele do da thian in fratha, ocus dilsi bid na bliadna i ndentuir in timgabail, ocus dilsi a comloigde don cele, ocus airiuc a comloigde on flaith.

Mas uairle a ngrad e, ocus mara neara ar urd finntedba, ocus mara neara ar fomuine biata ocus manchuine do é, ma ta deda no threda did fin aige, dilsi thiain in fratha on flaith don

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If the member be lawful, and the head unlawful, the member has judgment, and witnesses, and proof upon him (*the chief*).

If both are unlawful, or though the member should be lawful, unless he has judgment, or even if he has, if he has not given notice of the judgment about to be passed, his judgment shall then be transferred to the mouth of an external person.

Every tenant that is qualified.

That is, separation on account of the disqualifications of the chief is here *referred to*, and the disqualifications which he has here is contempt. The third part of the stock is forfeited to the tenant on account of the recalling of the stock *by the chief*, and full honor-price shall be paid to the tenant out of the *remaining* two-thirds of the stock, if they amount to it, but if not, more must be added from the chief's other 'seds,' until the full honor-price of the tenant is made up, and *thus* he forfeits his stock, and *perhaps also the whole of* his returnable 'seds,' and he forfeits the food of the year in which they separate, and the 'cumhloighthe'-settlements are forfeited to the tenant, and his 'comhloighthe'-settlements are to be returned by the chief.

If it is to give his stock to another tenant who is not nobler in point of grade, or nearer in point of kindred, or nearer for services of food or labour, or distribution of legacy *that the separation is made*, the third of the stock is forfeited, and the tenant is entitled to half honor-price out of the *remaining* two-thirds of the stock; and his returnable 'seds,' and the food of the year in which they separate are forfeited, and the 'comhloighthe'-settlements are forfeited to the tenant, and his 'comhloighthe'-settlements are returned by the chief.

If he (*the person to whom the stock is transferred*) is nearer in dignity, or if he is nearer in point of kindred, or if he is nearer in point of services of food or labour, or distribution of legacy, the third of the stock is forfeited to the tenant on account of the recalling *of the stock by the chief*, and one-third honor-price is due to the tenant out of the *remaining* two-thirds of the stock, and the food of the year in which the separation takes place is forfeited to the tenant, as are also the 'comhloighthe'-settlements, and the 'comhloighthe'-settlements are to be returned by the chief.

If he be nobler in grade, and nearer in point of kindred, and nearer to him for service of food and labour, if he has two or three of these *qualifications only*, the third of the stock is forfeited by the

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cele ar fgat timgaire, ocus, dilgi tuicluide, ocus bid na bliadna i ndenuit in timgar, ocus dilgi a comloigte don ceile, ocus airiuc a comloigte on flaith.

O'D. 1105. [Mad ar diumand in ceile inara in flaith a feodu, if dilig don cele log neinech dib do collaib fet aitgena, na toglen fomaine collna fet.

Mad ar diumand, .i. mad ar dimiadaide in ceile leis in flait innfaigeb in flait a cenn na fet tucustar if in rat. If dilig don cele, .i. eneclann do da threimb in rata, ocus dilgi a trin ar timgaire ar dus. Do collaib fet, .i. do da threimb aitgina colla fet in ratha. Na toglen, .i. noco deglenand ni don flait do fomaine a fet, muna mo na log enig in cele beg in da trian in rata iar mbrit a trin ar dus ar fcat timgaire. Somaine, .i. bid. Collna fet, .i. cen a beth accoib.

In timscor ar diumand fain do ni in flaith fisin ceile, dilge trin in ratha ocus in tfeoit thuicliide uili ar fcath timgaire ann don ceile ocus lan neineclainde don da threnaib eili, ocus dilgi bid na bliadna a netarfcarat.

Munab ar diumund etir, acht da tabairt do ceili aile, ocus ni huairle i ngrad he, ocus ni neru ar findiu, ocus ni faicfi, re caithim a bid ceilfine, if leith eneclaind don ceile ann do da threinaib in ratha.

Ma tait a triur and, if trian neineclaind don ceili do da threinaib in ratha, ocus dilgi bid na bliadna i netarfcarat don ceile in cach inat dibrein; ocus airic na comloigthe on flait in cach inat dibrein, ocus an dilgi do cheile.

Ma do tabairt i rath do nach cheiliu aili, munab ar diumund, if leth log einech in ceili fodila don rath la fomaine, munab anfoltach in cheile; inge

[1] *Forfeited.* O'D. 295, adds here:—"If the chief committed illegality against one tenant, it is safe for him to renounce the tenancy.

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chief to the tenant, on account of the recalling of the stock *by the chief*, and the returnable '*seds*' are forfeited, and also the food of the year in which the separation takes place, and the 'comhloighthe'-settlements are forfeited to the tenant, and the 'comhloighthe'-settlements are to be returned by the chief.

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If it be in contempt of the tenant that the chief recalls his 'seds,' the tenant is entitled to honor-price out of them, i.e. out of the original 'seds' of restitution, so that no services adhere to the original 'seds.'

If it be in contempt, i.e. if it is out of disrespect for the tenant on the part of the chief that the chief sends for the 'seds' which he gave as stock. The tenant is entitled to, i.e. to honor-price out of the two-thirds of the stock, the one-third having been first forfeited to him on account of the recall of the stock *by the chief*. Of the original 'seds,' i.e. out of the two-thirds of the original 'seds' of the stock *to be returned*. No *services* adhere, i.e. nothing of the profits of his 'seds' belongs to the chief, if the two-thirds of the stock *remaining* after the one-third has been first deducted on account of the recall of the stock by the chief, be not greater than the honor-price of the tenant. Services, i.e. of food. Original 'seds,' i.e. that they (*the services*) shall not adhere to them.

In that separation for contempt which the chief makes from the tenant, one-third of the stock and of the returnable 'seds' is forfeited to the tenant, on account of the recall of the stock *by the chief*, and he (*the tenant*) has full honor-price out of the other two-thirds, and the forfeiture of the food of the year in which they separate.

If it (*the recalling*) be not out of contempt at all, but to give it (*the stock*) to another tenant, who is not nobler in degree, or nearer in point of kindred, and not nearer for consuming his food of tenancy, it is one-half honor-price that is then due to the tenant out of the two-thirds of the stock.

If the three *reasons for recalling* exist, it is *only* one-third honor-price that is due to the tenant out of the *remaining* two-thirds of the stock, and the forfeiture of the food of the year in which they separate, is due to the tenant in each case of these; and the chief returns the 'comhloighthe'-settlements in each case of these, and they are forfeited[1] to the tenant.

If it (*the recalling*) be to give the stock to some other tenant, and it is not out of contempt, it is half the honor-price of the tenant that is deducted from the stock

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mad dligtechu in ceili hi do feilge don flaith, mad huairliu, no mad nera ar ord findtiuda, no mad nerum a fomaine don flaith; mad amail fodain, ir trian loige eneach di he fet lar in cheili.

Munab ar diumund, .i. nocan ar dimiadaide leir in ceile fo bai eice. Ir leth log einech, .i. ir let eneclann in ceile dilar in fiad annfaide, .i. iffed fodedaltar frif dia fiad let log enech in ceile, ocus trian in fiaith. La fomaine, .i. lair in fomaine dlegar do, dilri bid na bliadna a netarfcarat do. Anfoltach, .i. munib drochfoltach in ceile, ir ann ata fin. Inge mad dligtechu, .i. inge ar ad; ata ad lium and, ma dligtecha in ceile da teilgeann in fiaith fiad do tabairt. Mad huairliu, .i. ingrad. Ar ord findtiuda, .i. ar ordugad fine dudaig hea fine, .i. duca do. No mad nerum, .i. no mad nera don flaith he a fomaine a bid ceilfine. Mad amail fodain, .i. mad amlaid fin ber, ir trian neneclainde tairifir lair in ceile do da treimib in fiatha.

Mad timgaire ndairdbre no athcuir ndairdbre, nach an be do folaid cena, ir aithgin muna marathar feib fo fiatha, cen fuilliud leo. Nach ordha nech in dicumung.

Mad timgaire, .i. ma dairbre do bera ar in flaith a fiad do timgaire, nocon fuil uice ni da ndearna a bethamnar cu tuca a fiad ciuici arir. No athcuir, .i. no ma dairdbri do bera ar in ceile adcur in fiatha, nocon fuil aice ni da ndearna fognum don flaith acht a fiad dadcur air. Nach an be do folaid, .i. noco bi folaid cruid no bethamnair ac in flaith acht a fiad do tabairt cuici; no, noca bi folaid cruid ac in ceile da ndearna fognum acht a fiad dadcur. Ir aithgin, .i. ir aithgin fon feadur fo heirned ir in fiath and, muna mairfed icir; no ir aithgin fon febur fo heirned and ge mairfit indar aile, muna mairfed feib fo fiath; ocus ir hi a bethbir feo ocus in timfcar imtoga, ocus in timfcar contechngatar anfolaid cechtar da lina, dilri bid na bliadna a netarfcarat fund, ocus a nairec innfirium. Cen fuilliud, .i. cen fuilliud leir na fetaib tucad isin fiad in inbaid mairfed feib fo fiad. Nach ordha, .i. noco noirfeti ned im in fi fm macumtar, im ing, im bochta, .i. cid flaith cid ceile,

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together with the services, unless the tenant be disqualified; but if the tenant be more lawful to whom the chief transfers *his stock*, if he be nobler, or nearer in point of kindred, or nearer in services to the chief; if this be so, it is one-third honor-price that is due to the tenant.

If it is not out of contempt, i.e. that it is not out of disrespect to the tenant whom he had *before*. It is half the honor-price, i.e. half the honor-price of the tenant that is then paid out of the stock, i.e. the part of his stock which is kept from him is half the honor-price of the tenant, and one-third of the stock. With the services, i.e. with the returns due of him, the food of the year in which they separate is forfeited. *Unless the tenant be* disqualified, i.e. this is the case, unless the tenant be disqualified. But if *the tenant* be more lawful, i.e. 'except is for 'but'; I make an exception here, if the tenant to whom the chief transfers his stock be more lawful. If he be nobler, i.e. in grade. In point of kindred, i.e. in the order of tribe land in the tribe, i.e. it is due to him. Or nearer, i.e. or if he is nearer to the chief in the returns of his food of tenancy. If this be so, i.e. if it be after this manner, it is one-third of his honor-price that is kept by the tenant from the two-thirds of the stock.

If it be a recalling *on account* of poverty, or a returning *on account* of poverty, when there is no other property, it (*the penalty*) is restitution, unless they (*the 'seds'*) are living *in the same condition* as they were *when* given as stock, without addition to them. No one should be oppressed in *his* difficulty.

If it be a recalling, i.e. if it be poverty that induces the chief to recall his stock, when he has nothing to support himself until his stock is returned to him. Or a returning, i.e. or if it be poverty that induces the tenant to return the stock, when he has not wherewithal to perform the service to the chief, *he can do nothing* but return him his stock. When there is no other property, i.e. when the chief has no property in cattle or food *he can do nothing* but recall his stock to himself; or when the tenant has no property by which he could perform the service *he can do nothing* but return the stock. It is restitution, i.e. restitution is to be rendered *of* '*seds*' in as good a condition as they (*the* '*seds*') were when given as the stock, if they (*the original ones*) are not living at all; or restitution is to be made *of* '*seds*' in as good a condition as those given as stock, even if they are living, but not in the same condition as when given; and the difference between this and the "recalling by choice," and the "recalling mutually caused by the disqualification of both parties," is, that the food of the year in which they separate is forfeited in this case, and there is only a return of them (*the seds*) in those. Without addition, i.e. without addition to the seds that were given as the stock when they are living in as good a condition as when they were given. No one should be oppressed, i.e. one is not to be oppressed about a thing which he is not capable of rendering, in his difficulty, *or* in his poverty, i.e. whether *he be* chief or tenant.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

Mad in ceile bis daidbis, fogni log ina fet amail mesdar, conam andesbara.

Daidbis, .i. im indile. Amail mesdar, .i. amail mesmnaigdis a log. Fogni, .i. do corp gnim, .i. do ni feic log na fet drogum. Conam andesbara, .i. co nasa diubaltais in flaith can log a fada do.]

Fogni log na fet.

.i. log na fet no in fada do fognum on cele in cutruma fo gebid ar fognum o neoch eile; ocus o fagus a ceann in fognuma, ni fuil lor na ar do fith fesin na fetuib.

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'Cain Aigillne,' or Law of 'Daer'-stock Tenure.

If it be the tenant that is indigent, he may render the value of the 'seds' in service according to estimation, so that there be no fraud.

Indigent, i.e. as to cattle. According to estimation, i.e. according as their value is estimated. He may render in service, i.e. of bodily labour, i.e. he may perform the amount of the 'seds' in service. So that there be no fraud, i.e. that the chief may not be defrauded of the exact value of his 'seds.'

He (*the tenant*) may render the amount of the 'seds' in service.

That is, the tenant may render the amount of the 'seds' or the stock in service at the same rate of payment that he could get for his service from another person; and when he has once entered upon the *performance of* service, neither growth nor increase shall accumulate upon the 'seds.'

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cain lanamna.

'Cain Lanamhna,' or Law of Social Connexions.

Cain lanamna dileas do cechtar da lina cia ro chaithe cia tormala cechtar da lina ar araile, acht ni ro fiadrem i ndligid flatha, ocus ni ro fiachaigtar dligid, no urdliged, no airlecud, no ni ro tathaigter nech dib ar araile. Slan cach focomra, cach focobur, erlan cach necobur i cain lanamna.

O'D. 297. **Cain lanamna**, .i. fiadail na lanamna [ar ani ir lanhoma, .i. plenus oma .i. duine comlan, fear ocus bean qui fuit adam ocus Eua.] Dileas, .i. ir dilig do cechtar de in da naimad frin. Cia ro chaithe, .i. do bied. .i. crobed ro caitear do biud ocus detad. Cia tormala, .i. crobed tormailes do fetaib, .i. detach, .i. no caiteam la tuait, ocus toimlit do eclais. Cechtar da lina, .i. cechtar de in da naimad frin ar a ceile. Acht ni ro fiadrem, .i. acht inni ro fempraidfium i ndligid na flatha ocus in ceile romainid, irin nimfcar imtoga, uair ised uil anfaide, comarbugad itir a comloigthaib; ised fuil fund imorru, dilge na comloigde, mafa dligtech iat mafaen; ocus mafat innligtech iat mafaen, ir comarbugad itir a comloigdib. Mafa dligtech in dara de, ocus innligtech a cheile, airec na comloigdi on innligtech ocus a ndilri don dligtech. Ni ro fiachaigtar, .i. no in ni fiadaigther nech dib do fein dligid, .i. imin coibce, .i. in baile a ndeligar coibce.[1] Dligid, .i. im in coibce. Urdliged, .i. fecail ocus dainti. Airlecud .i. ni do fatar fri acht ocus airerc. No ni ro tathaigter, .i. no in ni gatus nech dib o ceile do neoch a mbia eneclann, .i. dicliu cu hiarfiaid. Slan cach focomra, .i. do biud ocus etach, .i. slan doib cach focomaid uair do ni cach dib re ceili im in comlogud. Cach focobur, .i. cach deacubur uair im in comaitidin, .i. im a atmail. Erlan cach necobur, .i. ir erlan do neoch dib froccubur gaiti do denum ar a ceile. I cain lanamna, .i. don lanamain do fein fiadla, no i fiadail in lanamnair.

[1] '*Coibche*'-*marriage gift.* A present given by the husband to the wife at their marriage.

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THE 'CAIN'-LAW OF SOCIAL CONNEXIONS

'CAIN LANAMHNA,' OR LAW OF SOCIAL CONNEXIONS.

IN the 'Cain'-law of social connexions what either party has consumed or worn to the disadvantage of the other is forfeited, except what we have mentioned in the law of the chief, and that debt which is claimed by law, or *as* liability for another, or loan, or what one of them has stolen from the other. Every act of accommodation, every honest act is safe, every dishonest act is unsafe in the 'Cain'-law of social connexions.

'Cain'-law of social connexions, i.e. the rule of social connexions. '*Lanamhna*,' from that which is lan homo, i.e. plenus homo, i.e. a full man, a man and a woman,—qui fuit Adam et Eva. Is forfeited, i.e. either of these two is forfeited. *What either party* has consumed, i.e. of food, i.e. whatever he *or she* has used of food or clothing. Or worn, i.e. whatever he has worn of 'seds,' i.e. of raiment, i.e. or spending *is applied* to the laity, and wearing to the clergy. Either party, i.e. either of the two parties concerned as regards the other. Except what we have mentioned, i.e. except what we have mentioned before in the law of chief and tenant, in the "Separation from choice," for in that *law* there is an adjustment of their set-offs; but here there is forfeiture of the set off, if both *parties* are lawful, *(i.e. lawfully competent to enter into this connexion)*; and if both are unlawful, there is an adjustment between their set-offs. If one be lawful and his tenant unlawful, the set off is to be returned by the unlawful person, and to be forfeited to the lawful person. That debt which is claimed, i.e. or the thing which one of them claims according to law, i.e. 'coibche'-marriage gift, i.e. where 'coibche'-marriage gift is due. By law, i.e. respecting the 'coibche'-marriage gift[1]. Liability for another, i.e. the 'sicals'[2] and the 'dairt'-heifers. Or loan, i.e. a thing that is given on condition and for a specified purpose. Or has stolen, i.e. or what one of them has stolen from the other, who has honor-price, i.e. he conceals it until it is sought for. Every act of accommodation is safe, i.e. of food and clothing, i.e. every act of accommodation which the one does towards the other respecting the set off. Every honest act, i.e. every conscientious act respecting the acknowledgment, i.e. as to its avowal. Every dishonest act is unsafe, i.e. it is unsafe for one of them to be guilty of an unconscientious act of deceit towards the other. In the 'Cain'-law of social connexions, i.e. the social connexions according to rule, or in the rule of the social connexions.

[2] *Sicals.* The 'sical' appears to have been a small piece of silver (probably coined), equal in value to the 'screpall,' and weighing from twenty to twenty-four grains. It was equivalent to three 'pinginns.' The 'screpall' was, it seems, the Irish designation for the denarius. *Vide* "Petrie's Inquiry into the Origin and Uses of the Round Towers of Ireland," pp. 216–232; Dublin: Hodges & Smith, 1845.

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'Cain Lanamhna,' or Law of Social Connexions.

Cain cis lis lanamna docuisin la feine. Nin— a ocht. Flaith fria aicsillne; eclais fria manchu; athair fria hingin; ingen fria brathair; mac fria mathair; dalta fria a muimig; fichithair fria fealmac; fear fria ben.

Cain, .i. comaiscim no iarfaigim cia ler no cia lin do lanamnaib oircnaitair no tarartair do reir in feinechair.

Flaith, .i. fo a folaid, maith na folaid dlegar de re ceilib, no fo maith, ocus laith linn, maith leis linn.

Is i lanamnacht athgeittair itir in flaith ocus a ceile, frath ocus feoit tuisclaidi uadrum doibrium, ocus a nditin ar cach
O'D. 595. ninndligeo go nic, biatad ocus manchuine [ocus urreirge] uaithibrium dorum, ocus tairis fet for comorba, no co comorba i bail i ndlegar. Breitheamnus, ocus imdenum, ocus fiadnaise don flaith for a daeridceilaib; ocus a rena da raeridceilib, ocus fiadnaise mara coitceann fiadnaise do denum doib for a celaib.

Fria aicsillne, .i. fria ucca cheile frisin lucht leis an ucca togaide ceilsine dona ceili bit aice. Eclais, .i. ecan clas, clas in ecna; no, eclas, iclas, clas icca caich in eclas im in ni frecait aleas; no, eclas [.i.] uas clas, clas uaisgis ar cach in eclais; no, eclas, ecen leas, baili
O'D. 595. i ndentar les neich in uair bis i necin; no, eclas, oni is eclesia [iusti populari, .i. comtinol na firén.] Fria manchu, .i. frisin lucht do berat maine romainacha di iar cae, iar conair.

.i. is i lanamnacht uil itir in eclais ocus a manchu, fraicecht ocus oiffrenn, ocus imaind anma on eclais da manchaib, ocus airitiu cach meic do forcetal, ocus cach manaig do coin aithrige; dechmada ocus primiti ocus almrana uaithaibrium dis, ocus lan log enaich in nertslainti, ocus trian log enaich fri bar; ocus breitheamnus, ocus imdenam, ocus fiadnaise don eclais for a manchaib, itir raesmanach ocus daesmanach, ocus

[1] *Ecclesia.* This last is the true derivation of the Irish word 'eclais,' or 'eglais.' The French *eglise* is derived from the same source—εκκλησια.

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'Cain Lanamhna,' or Law of Social Connexions.

Question—How many kinds of social connexions are there with the Feini? Answer—Eight. The chief with his 'aigillne'-tenants; the church with her tenants of ecclesiastical lands; the father with his daughter; a daughter with her brother; a son with his mother; a foster-son with his foster-mother; a tutor with his pupil; a man with a woman.

Question, i.e. I ask or inquire how many or what number of social connexions are distinguished or decided according to the 'Feinechus'-law.

The chief, ('flaith,') i.e. 'fo-a-fholaidh,' good his wealth, i.e. good ('fo') is the wealth ('folaid') which he is bound to give his tenants, or good, ('fo') and ale, ('laith'), he is fond of ale.

The social connexion which is considered between the chief and his tenants is, that he is to give them stock and returnable 'seds,' and to protect them against every injustice that he is able, and they are to render him victuals and labour, and respect, and to return the 'seds' to his heir, or for his heir where it is right *to do so*. The chief has *power to pronounce* judgment, and proof, and witness, upon his 'daer'-stock tenants; but his 'saer'-stock tenants can oppose them, and bear witness against his tenants if they be impartial witnesses.

With his 'aigillne'-tenants, i.e. with those tenants he has who have taken it as a choice to accept of tenancy from him. The church, ('eclais,') i.e. 'ecan clas,' the assembly of wisdom; or 'eclas,' i.e. 'iclas,' because the church supplies every one with what he requires; or 'eclas,' i.e. 'uag clas,' pure assembly, the church is an assembly which is purer than all others; or eclas, i.e. 'ecen leas,' by which one's welfare is effected, when he is in difficulty; or 'eclas,' from the Greek *ecclesia*[1] *justi populati*, i.e. the assembly of the just. With her tenants of ecclesiastical lands ('manchu'), i.e. with the people who give it (*the Church*) valuable ('somainacha') goods ('maine'), after a proper way, ('cae'), or manner.

The social connexion which subsists between the church and its tenants of ecclesiastical lands is, preaching[2] and offering,—and requiem for souls is due from the church to its tenants of ecclesiastical lands, and the receiving of every son for instruction, and of every *such* tenant to right repentance; tithes, and first fruits, and alms, are due of them to her, and full honor-price when they are in strong health, and one-third honor-price at the time of death;[3] and the church has *the power of pronouncing* judgment, and proof, and witness, upon its tenants of ecclesiastical lands, both 'saer'-stock tenants and

[2] *Preaching.* In O'D. 595, the reading is "Baptism and communion, and requiem of souls, and preaching and offering."

[3] *Death.* In O'D. 595, there is added, "And every first calf, and every first lamb, and every first-born of children, and every tenth child from that out."

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'Cain Lanamhna,' or Law of Social Connexions.

for cach tuatha uile cid faeṙmanach he, muna ṙaib eclaiṙ aile, [eclaiṙ iṙ comuaṙal ṙeṙi], aca teṙtugud.

O'D. 595.

Athaiṙ, .i. aithe imecha toiṙ, no ada ṙoṙ toiṙichnideann. Fṙia hingin, .i. fṙia innegein, ṙuṙ in ngen inaṙaṙ a hinne in athaiṙ, in ingean; ocuṙ noco mo aṙaṙ ina in mac, acht mo ṙo ṙoich do ṙeiṙ indaithmaig.

.i. iṙi lanamnacht uil itiṙ in athaiṙ ocuṙ in ingein, a haltṙamṙi doṙom do lan no do leith, ocuṙ lan iaṙaig, no leith iaṙaid le dochum aite; ocuṙ a huṙnaidm fṙi comdineol iaṙ naeṙ toga; ocuṙ tṙian tinol le do cum in comdinoil ṙein. Cet coibde cacha hingine dia hathaiṙ uaitheṙe doṙom; ocuṙ da tṙian aṙ in coibde tanaṙe, ocuṙ leath aṙ in tṙeaṙ coibde, ocuṙ uṙṙannuṙ caca coibde o ṙain amach co fṙia coibche aṙ fichet; ocuṙ bṙeithemnuṙ, ocuṙ imdenam, ocuṙ fiadnaiṙe don athaiṙ ṙoṙ a hingin.

Ingen fṙia bṙathaiṙ, .i. fṙia bṙeo thuaiṙ, ṙuṙin mbṙeo ṙoṙthoiṙichnigeann amail in athaiṙ in uaiṙ ṙic aleaṙ.

Mac, .i. mo a uccu, mo iṙ ucca thogaide he ina in ingein. Fṙia mathaiṙ, .i. fṙia mo toiṙ, mo no thoiṙidnigenn, no mucha no thoiṙichnigeann inna in tathaiṙ.

.i. iṙi lanamanndacht uil itiṙ in mac ocuṙ a mathaiṙ, a altṙamṙum doiṙi do lan no do leith, no do lan iaṙaid, no leith iaṙaid leiṙ do chum aiti; ocuṙ bṙeithemnuṙ, ocuṙ imdenam don mathaiṙ

[1] *Relief.* In O'D., 595, the reading is 'athaiṙ, .i. aithe, .i. eimecha toiṙ; no, ada noṙ toiṙichnigenn,' which seems to mean the same thing as the reading in the text.

[2] *Word.* Dr. O'Donovan remarks here, "this is not the true derivation of the word 'ingen,' a daughter. In Cormac's Glossary it is derived from 'in,' a negative, and 'gen,' a woman, i.e. not yet a woman, and in this sense it is used in the oldest MSS. At the present day, however, 'ingen' is a relative term, the same as *filia* in Latin. In like manner 'mac' would appear to have changed its meaning, for in these laws and other ancient authorities it is used to denote a boy. It is now a relative term like *filius*. The modern word for boy—namely, 'gaṙṙán'—is never found in old Irish MSS., and is evidently a loan-word from the French."

[3] *'Tinol'-marriage collection.* A collection for the young couple made amongst the friends at the marriage of a daughter. The same custom appears to have prevailed in Brittany and in Wales not long ago; perhaps it prevails in some places even now. *Vide* "Brittany and the Bible," by I. Hope, pp. 12, &c. Longman, 1852.

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'daer'-stock tenants, and upon every other layman, even though he be a 'saer'-stock tenant of ecclesiastical lands, unless there is another church of equal dignity claiming him.

A father, ('Athair,') i.e. quick, or rapid ('aithe,') his relief,[1] ('imecha thoir,') or lawfully, ('ada,') he relieves, ('toir' &c.) With his daughter, ('hingen,') i.e. with the offspring of his loins, his 'inne-gein,' i.e. the daughter is the offspring ('gen,') which springs from the loins ('inne,') of the father; and she does not spring more so than the son, but she would appear to spring more so according to the derivation *of the word*.[2]

The connexion which subsists between the father and the daughter is, that he is to foster her wholly or to *the extent of* one half, and to send full price of fosterage, or half the price of fosterage, with her to her foster-father; and to wed her to a man of equal family, after she has arrived at the marriageable age; *she is to bring* one-third of the 'tinol'-marriage collection[3] with her to that man of equal family. The first 'coibhche'-wedding gift of every daughter is to be given by her to her father; and two-thirds of the second 'coibhche'-wedding gift, and one-half of the third 'coibhche'-wedding gift, and a proportion, in the same descending ratio of every 'coibhche'-wedding gift from that forth till the twenty-first 'coibhche'-wedding gift; and the father has *the power of pronouncing* judgment, and proof, and witness upon the daughter.

A daughter with her brother ('brathair'), i.e. with 'breo thuair,' with the fire ('breo') which relieves like the father ('athair') when she stands in need *of relief*.[4]

A son ('mac,') i.e. 'mo a ucca,' i.e. greater ('mo') his selection ('ucca') than the daughter. With his mother ('mathair'), i.e. with his 'mo toir,' *i.e.* more ('mo') she relieves ('thoir' &c.), or quicker ('mucha') she relieves ('thoir &c.') than the father.

The connexion which subsists between the son and his mother is, that she is to foster him wholly or *to the extent of* one-half, or *to send* full fosterage-fee, or half fosterage-fee with him to his foster-father; and the mother has *power of pronouncing* judgment, and proof upon

[1] *Need of relief.* In O'D. 596, there is added here a passage to the following effect:—"The connexion which subsists between them (*the brother and sister*) is, that he is to foster her wholly, or to *the extent of* one-half, or send full fosterage-fee, or half fosterage-fee, with her to her foster-father, unless her own father is living, and to marry her to a man of equal rank, after she has come to the years of selection *in marriage*; and she is to bring one-third of the 'tinol'-marriage collection with her to that man of equal family. What is due of the daughter to the brother is this: if he be the head of the sept, half her first 'coibhche'-wedding gift is due to him, and two-thirds of one-half the second 'coibhche'-wedding gift, and a proportion of her legacy portion and her body-fine. He is to support her in her old age, and to assist her in poverty. The brother has *power of pronouncing* judgment, and proof, and witness, upon his sister."

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'Cain Lanamhna,' or Law of Social Connexions.

for a mac, ocus fiadnaise, mara coitcenn fiadnaise; ocus faigde fri domataig, ocus gaire fri feandataig; ocus biaid on ingin fein for da mathair ocus hathair, ocus da haige fine.

Dalta, .i. di no nailend in muime; no dede ailes he, a aite ocus a muime; no dede da naitser he, da mathair ocus da hathair.

Fria a muimig, .i. fria mo ime, mo imes a eoach uime ica clunduguo ocus aca altrum, na in taiti; no mo na mi fo nailend.

O'D. 596. [Is i lanamnacht uil on buime don dalta, altrama do lan no do let re co aois diailtse, ocus lan fet gerta, no let fet gerta uaithi do iar naois diailtse; ocus ar e lanamnacht ata on dalta dis, a faide fria domataid, ocus a gaire fri fendataid; ocus breithemnus, ocus imdenam don buime for in dalta, ocus fiadnaise, mara coitcenn fiadnaise; no coma fena na buime don dalta.]

Fithithair, .i. fer athair, aithair fethaig inae in forceteil, no, athair na feide, na helathan. Fria fealmac, .i. fria hoilmac, .i. frisi in mac da tabair a foglaim, o oil, no bis ac foglaim foillsiura na halathan aicce; no fri uile mac, frisi in mac da tabair a foglaim uile uair ann.

Is i lanamanacht athfethair itir in dalta ocus in taite for-
O'D. 597. ceteil, forceteal cen dicell [ocus a fuirmid an grad], ocus corc can acgairbe on oite for in dalta, ocus a biathad ocus eitiud in airet ber ac denam dana dligthig, muna fagba o neoch aile; ocus o fcoil feniura forfrith anall gabair in forcud rain; ocus faigdi fri dommataid, ocus gaire fri fennataid on dalta don aite, ocus log enech in grad a fuirseama he, ocus a etail dana uile in airet ber aca foglaim, ocus cet tuilleam a dana iar nsul a tig a aite; ocus breithemnus, ocus imdenam, ocus fiadnaise don oite forceteil for in dalta, ocus don athair for a mac, ocus don eclais for a manach.

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the son, and witness, if she is an impartial witness; and he is to aid her in poverty, and to support her in old age; and *the same duties* are also due from the daughter to her mother and to her father, and to the head of her tribe.

A foster-son ('dalta'), i.e. twofold ('di') his nurse nurses ('nailend') him; or two ('dede') nourish ('ailes') him, *i.e.* his foster-father and his foster-mother; or there are two ('dede') for whom he is fostered ('nailter'), *i.e.* for his mother and his father.

With his foster-mother ('muime'), i.e. with his 'mo ime,' she more ('mo') folds his clothes about him ('ime') to warm him and to nourish him, than the foster-father; or more ('mo') than a month ('mi') she fosters him.

The connexion which subsists between the foster-mother and her foster-son is, that she fosters *the foster-son* wholly or to one-half of the time at which his fosterage is completed, and she gives him the whole of the 'seds' of lawful maintenance, or half the 'seds' of lawful maintenance, after *he comes to* the age at which his fosterage is completed; and the relative duties due of the foster-son to her are, to assist her in poverty, and to maintain her in her old age; and the foster-mother has *power of pronouncing* judgment, and proof, upon the foster-son, and witness, if she be an impartial witness; or the foster-son may oppose *the witness of* the foster-mother.

A tutor ('fithithair'), i.e. 'feth-athair,' i.e. the father ('athair') who guards ('fethaigi') the way of instruction, or 'athair na fede,' *i.e.* the father ('athair') of science ('fede'). With his pupil ('felmac'), i.e. with his 'oilmac,' i.e. with the son ('mac') to whom he communicates his learning ('fhoglaim') by word of mouth ('oil'), or who is learning the secrets ('foiliusa') of science with him; or with his 'uile mac', i.e. with the son ('mac') to whom he gives all ('uile') his learning at a certain time.

The social connexion that is considered between the foster-pupil and the literary foster-father is, that the latter is to instruct him without reserve, and to prepare him for his degree, and to chastise him without severity, and to feed and clothe him while he is learning his legitimate profession, unless he obtains it from another person; and from the school of Fenius Forsaidh onwards this custom prevails; and the foster-pupil is to assist his tutor in poverty, and to support him in his old age, and the honor-price of the degree for which he prepares him, and all the gains of his art while he is learning it, and the first earning of his art after leaving the house of his tutor, *are to be given to the tutor;* and the literary foster-father has *power of pronouncing* judgment, and proof, and witness upon the foster-pupil, as has the father upon his son, and the church upon her tenant of ecclesiastical lands.

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'Cain Lanamhna,' or Law of Social Connexions.

Fear, .i. on ni ir uirsuci, o nirt. Fria ben, .i. fri boin, fria maith, fris in ni ir maith leis, .i. fria mnai; no [a benignitate] on c[s]ainemlataid, no on miadamlataid fesdataid, ocus aca fochtain fein fobas and.

O'D 597.

Ocus isi lanamandacht uil atasu, toil ocus genus ocus bangnim uaisiri dosom, ocus feisgnim uadum disi; ocus trian tinoil aicceri masa hingen graid feine co mac graid feine, no ingean graid flatha co mac graid flatha, no hingen graid flatha co mac graid feine; ocus da trian tinoil ac an fir.

Masa ingean graid feine imorru co mac graid flatha, da trian tinoil uaithe fi, ocus trian tinoil o mac in graid flatha.

Ocus convenum a selba doib, ocus is as gabais eiseic, cu naitisin fos teachd muige ocus tige, ocus as fogni techt do muig. Ocus sena in fir don mnai masa comdligtech iat, no masa comindligtech iat, no masa dligtechu in bean; uair dligid cennaehta uil etusru, ocus ge airmid dlige cendaehta ac an fir as fessdacht, no as fortuairle, noco moid so sia imdenam do as in mnai ce beit amlaid sein, uair is cundrad fuil etusru.

Comdiles do cach dib cia tasta dia saile, cia imsbasa cach dib as asaile cen elgain, cen taide;

[1] *Tinol'-marriage collection.* In O'D., 597–598, there is a different reading to the following effect:—"The connexion which subsists between them is that she gives him her will, and desire, and the female act, and one-third of the 'tinol'-marriage collection, and a portion of her legacy, and of her body-fine; and he gives her the 'coibhche'-wedding gift and 'sicals,' and one-third of the 'tinol'-marriage collection, if she be the first spouse, or the 'coibhche'-wedding gift and one-third of the 'tinol'-marriage collection only, if she be an adultress (*a kept woman, a mistress*), and *he gives her* the virile act whether she be a first spouse or an adultress.

"Whatever amount of food and raiment, by way of set off *in consequence* of the connexion, each of them may give the other without condition, without stipu-

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A man ('fear'), *the word being derived* from the thing which is 'virtus,' i.e. from his strength. With a woman ('ben'), i.e. with 'boin,' with his good, with what he likes, i.e. his wife, or from 'benignitate', from the kindliness *of the woman*, and the dignity of the man, and to reach these *qualities* they exist.

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And the connexion which subsists between them is, that she is to give him her will and desire and female act, and he gives her the virile act; and she shall have the third of the 'tinol'-marriage collection[1] if she is the daughter of one of the Feini grade *who goes* to the son of one of the Feini grade, or the daughter of one of the chieftain grade *who goes* to the son of one of the chieftain grade, or the daughter of one of the chieftain grade who goes to the son of one of the Feini grade; and the man shall have two-thirds of the 'tinol'-marriage collection.

But if she be the daughter of a man of the Feini grade *who goes* to the son of a man of the chieftain grade, she shall give him two-thirds of the 'tinol'-marriage collection, and the son of a man of chieftain grade gives *her* one-third.

And they are to prove their possession mutually, and the reason from which it (*the custom*) is derived is this, that "they take possession of *cattle*, land, and house, with the acknowledgment *of the tribe*, and taking possession of land, *cattle, &c.*, requires proof." And the woman may oppose the evidence of the man if they are both equally admissible to give legal evidence,[a] or if they are both equally inadmissible to give legal evidence,[b] or if the woman be more lawful; for it is a law of headship that is between them, and though the law cedes headship to the man for his manhood and nobility, he has not the greater *power of* proof upon the woman on that account, for it is *only* a contract that is between them.

[a] Ir. *legal.*
[b] Ir. *illegal.*

What each of them gives the other is equally forfeited, *as also* what each of them takes from the other

lation, if both are lawful, all is forgiven on both sides, and if both are unlawful all is to be returned by both. If one be lawful and the other unlawful, the set off is forfeited to the lawful person, and it is to be returned by the unlawful person.

"Whatever be the amount of food and raiment, and of set off in consequence of the connexion, that one gives to the other upon condition and stipulation, whether both are lawful or unlawful, both must return it. Whatever one of them gives to the other as a gift, if he should wish to prove that it was not for a gift he gave it, he will not be permitted to prove it, for proof of the intention[a] is never allowed between those connected by social connexions."

[a] Ir. *reason.*

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arrenar aithguin cach dichmairc cairichther co trorcad, acht in eclair. Aithgin olcena cach dichmairc cairigter co imcim troirce no eluda dligid. Cach dichmairc cen taide, cen elguin, cach dichmairc cairigter, follaigter, ir cona dire dobongar.

Comdiler, .i. ir cutruma ir dilef do cach dib do na hocht lanamnaib anrubramar romainn cidbed do berat da ceile do comloigdib can acht can airecre aicce. Cia imarbara, .i. cibed eimberar cach dib 'o ceile im a neirrach. Cen elguin, .i. cen eolgnair comraici do denam ima brict tar rarugad i fiadnaire. Cen taide, .i. dicheltai necmair, .i. cen dicheilt o ro cluin a iarraid. Arrenar, .i. ir uarr eirrithir aithgin ir in ni berair o neoch can atcomairc; in terrach ima huide icce coir, acht na derntar innoligi dib frin and. Cach dichmairc. .i. imirt cen athcomairc co na atmail fo cetoir. Co trorcad, .i. co na derntar trorcad ime ac iarraid a aithgena iar na gabail; ir ann ata aithgin do tuata ann muna troirter. Acht in eclair, .i. acht mainib o eclairdacda berair he, ir ann ata aithgin and fria trorcad, uair irre cuit in in acetnaigde a bail ata aithgin laeda no gnimraid don tuait ann, biaid a diablad do eclair. Aithgin olcena, .i. aithgin uile cena in cach ni berair o neoch cen athcomairc ir in nerrach co na torrachtain ima uide icce coir, .i. cenmoda eclair. Cairigter, .i. cuingidir, .i. airigtir iar cae eirec a haithle a gabala. Co imcim, .i. co roib eincemnigud troirce do lecud imme, do gradaib fiada noco nuil acht aithgin ann. Eluda, .i. arad na ngrad feine. Cach dichmairc, .i. cach errach berar o neoch cen atcomairc. Cen taide, .i. dicheltai necmair. Cen elguin, .i. rarraigthe i fiadnaisi. Cach dichmairc, .i. cach errach berar o neoch cen athcomairc. Cairigter, .i. airigtir eirec iar na gabail iar cae, .i. o a aitiu o rein, ocus isi fuil deitbir cach gne dib fo. Follaigte'r, .i. iar na cuingid, .i. do nither faill imme, eiod arad do lecon for gradaib feine, no troirced do lecon do gradaib fiadha. Ir cona dire, .i. ir cona landire toibgitir he in terrech iarne tairgille, no iar lecud eiode imme.

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without consciousness of crime, without theft; restitution is paid for every illegal taking with which they are charged by fasting, except *when* the church *is concerned.* Restitution is *also paid for* every illegal taking with which they are charged, by avoiding fasting or evading law. Every thing illegally taken without intent of stealing, or consciousness of crime, every thing illegally taken with which they are charged, *if the charge* is neglected, is exacted with 'dire'-fine.

Equally forfeited, i.e. whatever by way of settlement of accounts they give each other without condition or stipulation is equally forfeited by either party *in each* of the eight social connexions which we have mentioned before. What each of them takes, i.e. whatever one of them takes from the other as forced relief or loan. Without consciousness of crime, i.e. without committing intentional trespass by bringing it away in the presence *of the owner* by violence. Without theft, i.e. concealment in the absence, i.e. without concealing it when he has heard it asked for. *Restitution* is paid, i.e. restitution is *fully* paid for the thing which is taken away from one without asking permission; the forced relief or loan *is to be paid* at its proper period of payment, so as none of these illegalities are committed. Every illegal taking, i.e. acting without asking permission, *but* with acknowledgment immediately. Fasting, i.e. when fasting is not performed in seeking its restitution after it has been taken; restitution is *not* paid to a layman unless the fasting is performed. Except *when* the church *is concerned*, i.e. unless it (*the property*) has been taken from an ecclesiastic, if it has, there shall be restitution before fasting, for the force of the "except" is *that* where there is restitution of milk or work to a layman, there shall be double *restitution* to the church. Restitution *is also paid*, i.e. restitution *is* likewise *paid* for everything which is taken away from one without asking permission, *i.e.* for the forced relief or loan which is to be forthcoming in its proper time of payment, i.e. except *when* the church *is concerned.* Are charged, i.e. it is sought, i.e. it is sued after the proper manner after its being taken. By avoiding *fasting*, i.e. when there is evading of the performance of fasting, *for* it is in the case of the chieftain grades that there is *no fine* for it but restitution *only*. Evading *of law*, i.e. *of serving* notice on the Feini grades. Everything illegally taken, i.e. every forced relief or loan which is taken from one without asking permission. Without theft, i.e. secretly in the absence *of any one interested.* Without consciousness of crime, i.e. of violence in the presence *of the owner*. Everything illegally taken, i.e. every forced relief or loan which is taken from one without asking permission. Is charged. i.e. this is sued after being taken in order, i.e. acknowledgment from himself, and there is a difference between every species of these. *If the charge* is neglected, i.e. after being asked, i.e. negligence is committed, when they evade serving notice on the Feini grades, or fasting on the chieftain grades. With 'dire'-fine, i.e. it is with full 'dire'-fine it is exacted, *i.e.* the forced relief or loan after the period of pledges, or after evasion respecting it.

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O'D. 297, 298.

[Tabuirt na flatha cetamus.

.i. nath tarairrdis tabuirt in cele don ni teit a nairim cach forcruid nairbid. Tabuirt na ecluisi, biathad in aen cineda gin fine, gin tir, gin imlled, ocus cach mic ocus gach manuig. Ocus tabuirt manuig, .i. .x. gml. Tabuirt na ingine, .i. feised. Tabuirt na mathar, .i. let cineoil treabhta; a fainchruin o adultrachuicaib ocus co ruige rocor no angbocht; no tabuirt gacha mna fo miad, .i. ota fertuis nolla cu glonnar, .i. aen fecht gaca bliadna. Tabuirt feanathar, .i. feised, no co ruige rocor; no tabuirt gaca mna amuil arbeir isin cin. Tabuirt briathar dono, ma for a selb bear, amuil tabuirt a athar. Tabuirt a mic, .i. biad ocus etuch fria gaire tilef, ic in cinuid co let no da trian. Tabuirt in athar no mathar, .i. let iarruid lair, no a biathad ocus a etuch co diailtre do, let no feised, no cu ruice rocor. Tabuirt in dalta, .i. biad ocus etuch di fria gaire amuil aithir, no let trian a coirrdoire. Tabuirt na muime, .i. a let biathad, ocus a let etuch, ocus let eisic ac cinuid, uair ruc let iarruid. Tabuirt in aite, .i. biad, ocus etuch, ocus foircetul. Tabuirt in selmic, .i. log neiniuch in graid do berar fair, ocus mine o sin amach ocus usesge. Tabuirt in fir co tige let no trian, no is biad ocus etuch is dilar do ceachtar de dia raile. Tabuirt na mna dono amuil tabuirt in fir, gin act gin arrag.]

Aithgin neisci ocus aithgin peine do eclais fria trosgud; aithgin ocus dire ocus eneclann iar trosgad, ocus a log do pennait in dichmairc in sein. Aithgin do cach cena ina dichmairc fria trosgud; aithgin imorru ocus dire ocus eneclann in taide, ocus in elgnu fria trosgud, isfed dno in dichmairc iar trosgad. Cia troisctheb imorru imon taide ocus imin elgnu,

[1] *The book called 'Cin.'* The word 'cin' is explained in Cormack's Glossary, to mean five sheets of parchment, *vid.* Stokes' Old Irish Glossaries, p. 9. For an account of a book called the 'Cin Droma Snechta,' *vid.* O'Curry's Lectures, pp. 13, 15, &c.

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As to the implied duty[a] of the chief in the first place. 'CAIN LANAMHNA,' OR LAW OF SOCIAL CONNEXIONS.

i.e. The excessive return for the stock is the implied duty of the tenant out of that which goes to the account of each excess of measure. The implied duty of the church is the feeding of the last survivor without a tribe, without land, without cattle, and of every son *left destitute*, and of every tenant of ecclesiastical lands. And the implied duty of a tenant of ecclesiastical lands, i.e. the tenth, &c. The implied duty of the daughter, i.e. the sixth. The implied duty of the mother, i.e. half the collection of the house; their private property *is required* from adultresses, and as far as great want or great poverty; or the implied duty of every woman is according to her dignity, i.e. *it varies* from a woollen distaff to a 'glonnas,' i.e. once every year. The implied duty of the grandfather, i.e. one-sixth, or as far as great want; or the implied duty of every woman as it is said in the *book called* 'Cin.'[1] The implied duty of a brother, if it (*the property*) be in his possession, is like the implied duty of the father. The implied duty of the son is food and raiment for maintaining *the father* legitimately, *and* payment of liabilities as far as one-half or two-thirds. The implied duty of the father or mother is, *to give* half fosterage-fee with him (*the son*), or to feed and clothe him till his fosterage ends, to *the extent of* one-half, or one-sixth, or as far as great want. The implied duty of the foster-child is *to give her* (*the foster-mother*) *the same amount of* food and raiment for maintenance, as *he ought to give* to the father, or half one-third of his body-fine. The implied duty of the nurse, i.e. to half feed him, and to half clothe him, and *pay* half 'eric'-fine for his crimes, for she had obtained half fosterage-fee. The implied duty of the foster-father, i.e. food, and raiment, and instruction. The implied duty of the pupil, i.e. the honor-price of the degree which is conferred upon him, and from that out *he owes* kindness and respect *to his tutor*. The implied duty of the husband *amounts* to one-half or one-third, or food and raiment are due from the one to the other. The implied duty of the wife *is* like the implied duty of the husband, without condition or stipulation.

Restitution of 'eric'-fine and restitution of penance *are to be paid* to the church before fasting; restitution, and 'dire'-fine, and honor-price after fasting, and the amount for the illegal taking are paid in penance. Restitution *is due* to everyone in general for illegal seizure before fasting; but restitution, and 'dire'-fine, and honor-price *are due* for theft, and for illegal seizure before fasting, and these *penalties* are for illegal taking after fasting. But even though fasting be performed in cases of theft and forcible seizure, double shall not

[a] Ir. *gift*.

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ni ictar diablad do neoch fo fairem, co fo cinne breithium. Irred a trocair; a etrocair imorro diablad neich dlegar fria trorcad do ic iar trorcad i taide ocus i nelgnim. Ire fein atai im in dichmairc, nad aili imorro innisid in taide.

Cair cid lir lanamna cumtuga comperta do cuisin la fene. Nīn—a deich, lanamnus comtincuis; ben for fertincus; fer for bantincus, co fognam; ben for aisitin nusala; fer tathaigte cen usgnam, cen usail, cen tarcud, cen tinol; lanamnus foxail; lanamnus amra for faeniul; lanamnus tothla; lanamnus ecne; lanamnus genaige.

Cair cid lir lanamna, .i. comairicim cia ler, no cia lin do lanamnaib oircnaitir no tairisiter fe breth comperta doib do reir in fenechais. Cumtuga comperta, .i. dia ta coimaithiur ima coimperte, no comtabairte i cumgaid lanamna. Lanamnus comtincuis, .i. in lanamain ac an cutruma tecaiscair tir ocus indile, in be cuitgerrnaga. Ben for fertincus, .i. in bean for in tincus fearda. Fer for bantincus, .i. for tincus mbanda uair eile. Co fognam, .i. denam don fir no don mnai. Ben for aisitin nusala, .i. in bean dairisniugad a legaigti fo usail in fir; in naisrech no in carrdach. Fer tathaigte, .i. in fear dadaigid do cum na aisigi, no na carddaigid. Cen usgnam, .i. ar na buain do denam di. Cen usail, .i. can a bith for usail, .i. for a carait. Cen tarcud, .i. amuich di. Cen tinol, .i. tall dia fetaib. Lanamnus amra, .i. in lanamain bis a namraine ar fannelod a hinud dinad. Lanamnus tothla, .i. do nithed i toetlod fir in mnai fleithe. Lanamnus ecne, .i. do nithed ar eicin, in bean forcuir. Lanamnus genaige, .i. do nithed tre gean og mear no darachtach fri druith no darachtaid.

Lanamnus comtincuis, ma co tir ocus cetra ocus intreb, ocus mad comrair comtechta a cuma lanamnusa, ocus ir don ben sin arbesar be cuitcesnsa. Ni bi cor cor nechtar da lina fech araile, inge cusu

[1] *The Feini.* In the original the word 'feine' is not written, but there is a mark of contraction over the 'a' of the preceding word. The phrase 'la feine,' however, occurs frequently in the Irish Laws, and probably was meant to be understood here.

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be paid for anything we have mentioned, until the Brehon decides it. That is the leniency of the case; but the severity is that the double of the thing due before fasting is to be paid after fasting for theft and forcible seizure. He (*the plaintiff*) himself is *the witness* of the illegal taking, but another person tells of the theft.

Question—How many connexions of equal rank for procreation are recognised by the Feini? Answer—Ten; a connexion of equal property; a woman upon the property of a man; a man upon the property of the woman, with service; a woman received by command; a man who frequents without service, without command, without acquired wealth, without 'tinol'-marriage collection; connexion of abduction; connexion of a wandering soldier; connexion of deception; connexion of force; connexion of mockery.

Question—How many connexions? i.e. I ask how many, or how numerous are the connexions which are distinguished or recognised for procreating, according to the 'Fenechus'-Law? Equal rank for procreation, i.e. who have equal goodness for procreation, or equal gift in the marriage state. Connexion of equal property, i.e. the married couple who have got equal land and cattle, i.e. the wife of equal property. A woman *supported* on the property of a man, i.e. the woman *supported* upon the man's property. A man *supported* on the woman's property, i.e. *supported* upon the woman's property at another time. With service, i.e. to be performed by the man or the woman. A woman received by command, i.e. the woman receives her support by order of the man; *she is* the 'airech'-woman, or the 'carrthach'-woman. A man who frequents, i.e. a man who frequently pays visits to the 'airech'-woman, or 'carrthach'-woman. Without service, i.e. *without* performing ploughing or reaping for her. Without command, i.e. without being under order, i.e. of her friends. Without acquired wealth, i.e. outside for her. Without 'tinol'-marriage collection, i.e. within, of her 'seds'. Connexion of a *wandering* soldier, i.e. the married couple who are in military service, wandering from place to place. Connexion of deception, i.e. which is done in secret with a woman unconscious of it. Connexion of force, i.e. the connexion which is effected by force, i.e. *with* the violated woman. Connexion of levity, i.e. which is made through sport by a lunatic or a madman with a female idiot or madwoman.

In the connexion of equal property, if with *equal* land and cattle and household stuff, and if their marriage state be equally free and lawful, the wife in this case is called the wife of equal rank. The contract made by either party is not a *lawful* contract without *the con-*

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leṫaiġṫeṙ a cumṫuṙ; iṫeṙiḋe inṙo comuḷ comuiṙ ḟṙi coibne ṫechṫa in ṫan naḋ bi occaiḃ ḟaḋeṙin comoḃaiṙ ṫṙeḃṫa ḋo luaḋ; ḟochṙaic ṫiṙe; ṫinoḷ cua; comuḷḷ ḟollaman; ḟil ceṫhṙa ḋo luaḋ; lanaḋ ṫṙeḃ inṫṙeiḃ; comuḷ comṙa; cṙeic neich ḋo ḋaṙṙaiḃ no ḋeṙaiḃ ḋo ṫoiṙciḋiḃ.

Lanamnuṙ comṫincuiṙ, .i. lanamain iṙ cuṫṙuma aca ṫecaṙṫaṙ ṫiṙ ocuṙ inṙoiḷe, .i. ḋo ṫiṙ ocuṙ buaiḃ. Ma co ṫiṙ, .i. maḋ amḷaiḋ beiṫ ocuṙ ṫiṙ ocuṙ ceṫhṙa acuḋ ḟo ċuṫṙuma. Inṫṙeḃ, .i. ocuṙ in ni biṙ a ninḋ a ṫṙeiḃe ḋo maiṙḃḋoiḷe accuḋ ḟo cuṫṙuma, .i. ḋo leṙṫṙaiḃ ocuṙ ṫincuṙ ċena. Maḋ comṙaiṙ, .i. commaiṫh a cineaḷ, cen ceiḷḷṙine. Comṫechṫa, .i. iṙ cuṫṙuma iṙ ḋliġṫeċ in lanamain ṙe im ġenuṙ. A cuma lanamnuiṙ, .i. a caem amuaiṙ in lanamnaiṙ. Iṙ ḋon ben ṙin, .i. iṙ ṙiṙ in mnai ṙin ṙaiṫiṙ no aiṙneiṫiṙ ben iṙ comṫiġeṙnaḋa. Ni bi coṙ, .i. ṙoco cunnṙaḋ cunḋṙaḋ nechṫaṙ ḋe in ḋa naimaḋ ṙin ṙech a ceiḷe, .i. ḋia ṙiṙaṫ a leṙ ṙein. Inġe, .i. inġe aṙ aċṫ; aṫa aċṫ ḷium ann; aċṫ na cuiṙ leṙaiġeṙ iaṫ ina cumaiḋ co huaiṙ, .i. cia ṙiṙaṫ a leṙ ṙein. Iṫeṙiḋe, .i. iṫiaṫ ṙo iaṫṙaiḋe Comuḷ comuiṙ, .i. comṫinoḷ, .i. accomuḷ a comuiṙ ḋoiḃ ṙe caemṙine, co ḋliġṫeċ. Ṙṙi coibne, .i. ṙṙi ṙine nechṫaiṙ ḋe, .i. in nuaiṙ na bia accu buḋein in ni comoṙṙuiġeṙ ṫṙeḃaiṙe ḋoiḃ, iṙ anḋ ḋleġaiṙ ḋo neoch ḋiḃ comaṙ ḋo ḋenam ṙe nech aiḷi.

O'D. 299. Comoḃaiṙ, .i. aṙaċhaṙ an oenaṙ [iṙ ṙe ṙeṙ ṙine ḋoḋena comaṙ ceiṙ ṫaiṙġiuṙ ḋoiḃ in cuṫṙuma ṫaiṙġiuṙ ḟeṙ aine ṙine, ocuṙ maino ṫaiṙġiuṙ, ḟeṙ ainṙine aṙ ḟeṙ ḋo ḋenuṫ comaṙ]. Ḟochṙaic ṫiṙe, .i. ḟeaṙunn ḋo cennach in nuaiṙ ṙiceṙaiṫ a leṙ, i. ḋia aṙ, no ḋiṫhi a ḟeoiṙ. Ṫinoḷ cua, .i. biaḋ, .i. ṫinoḷ na ḟeoḷa iṙin ġemṙeḋ. Comuḷḷ ḟollaman, .i. comṫinoḷ bi aṙ cinḋ na ḟollaman, .i. aṙ caiṙc no noṫḷaiċ. Ṡil ceṫhṙa, .i. na ceṫṙa ṙiḷeṙ ac neoch ḋo cennach ḋoiḃ in nuaiṙ ṙiciṫ a leṙ. Lanaḋ ṫṙeḃ inṫṙeiḃ, .i. comṫinoḷ in neich biṙ i ninḋe a ṫṙeiḃe ḋo bṙiṫamnaiḃ ocuṙ ḋo ceṙcaiḷḷiḃ. Comuḷ comṙa, .i. accomuḷ a comṙa muc ḋa meṫaḋ in uaiṙ baġeḃaṫ. Cṙeic neich ḋo ḋaṙṙaiḃ no ḋeṙaiḃ, .i. cennach ineiċ iṙ eṙḃaḋaċ uaiṫiḃ, ineoch iṙ coiṙc aḋa ḋoiḃ inuaiṙ ṙiṫaiṫ a leṙ, Ḋo toiṙciḋiḃ .i. cṙeic neiċ iṙ eicin ḋoiḃ ḋo eoch [aiḃ] ocuṙ maiṙḃḋoiḷiḃ oḷcena.

Cach cunnṙaḋ cen ḋichell, ḟocuṙ ḟocuḃuṙ iaṙ na

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sent of the other, except in case of contracts tending equally to the welfare of both; such as the alliance of co-tillage with a lawful tribe when they (*the couple*) have not the means themselves of doing the work of ploughing; the taking of land; the collecting of food; the gathering for the festivals; the buying of breeding cattle; the collecting of house furniture; the collecting of litters of pigs; the buying of stacks and *other* necessaries.

Connexion of equal property, i.e. a married couple who happen to have equal land and cattle, i.e. land and cows. If with land, i.e. if they happen to have land and cattle in equal proportion. Household stuff, i.e. what they have in the middle of (*i.e. within*) the house, of inanimate property in equal proportion, i.e. of vessels and furniture in general. If equally free, i.e. their families being equally good, without vassalage. Lawful, i.e. this couple is equally lawful to beget children. Their marriage state, i.e. of equal dignity in the connexion. The wife in this case, i.e. this description of wife is called or denominated a woman of equal dignity. Is not a contract, i.e. the contract of either of the two parties is not a contract *at all* without the other, i.e. if it is for his own good. Except, i.e. the 'except' is for 'but'; I make an exception; except the contracts which redound to their mutual welfare in their married state, i.e. which tend to their own good. Such as, i.e. these are they. The alliance of co-tillage, i.e. their joining with, i.e. their lawful union with a proper tribe, for ploughing. With a *lawful* tribe, i.e. with the tribe of either of them, i.e. when they themselves have not the means to perform the ploughing, it is then lawful for one of them to enter into *a compact of* co-ploughing with another. The work *of ploughing*, i.e. of the ploughing alone; it is with a tribe-man that the co-ploughing is to be made, if he offer them the same proportion *of work* which a strange tribe-man offers, and if he does not, it is with the stranger they shall make the compact of joint ploughing. The taking of land, i.e. to buy land when it will be required, i.e. to plough it, or to eat its grass. Collecting of food, i.e. meat, i.e. to collect the flesh-meat in the winter. Gathering for the festivals, i.e. gathering of food for consumption at the festivals, i.e. at Easter or Christmas. *The buying of* breeding cattle, i.e. to buy the cattle which breed for one, when they are required. Collecting of house furniture, i.e. collecting of the property which is within the house, consisting of plaids and couches. Collecting o litters of pigs, i.e. collecting litters of pigs to fatten when they want them. The buying of stacks, i.e. the purchase of what is wanting to them, or necessary for them at the time that they require them. *Of other* necessaries, i.e. the purchase of what they must necessarily have of horses and of dead chattels in general.

As regards every contract made without concealment, it should be a fair conscientious contract

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coir coitechta co nimaitiziu ineoch crenar, amail ber relb neich renar and.

Cach cunnrad, .i. caca cunnrad do genat can diceall neich dib da ceile. Dichell, .i. diubairt. Socur, .i. degcor comloige do denam doib. Socubur, .i. imaatmail. Iar na coir, .i. iarum amail ir coimdligtech doib do rein coir. Co nimaitiziu, .i. co na emaitichiugad in neich ro cennaiged amuich do comroind etarru amail ro bi a fealb ir in ni ro racad amach.

Amail ro bi a cuit ir in ni ro racad amach roindter in imarcraid frit da cind amuic amlaid sin; no dno comad cuitiu tobaig dimarcraid do brit don ti ro toibig amuic he; .i. no cona aititin co heim a hinne a cuit isin feoit ro ceanngad ann, amuil ro bui a cuit ir in fet tucad da cinn, .i. fet innada coitcinn tucad dia chinn, ocus frit imurcuid air, ocus acbeir in ti ra ceannuig in fet ni tibre ni don imurcuid don ti eile; ar a ai ir ruinn ar do dlegaid.

Ni renar nach ainim do feilce domaine i trebad cen cocur, cen comairle, cen comlogud, ar ni coir etla cumtura lanamnura comtincuir cen comlogud.

Ni renar, .i. noco recda do neoch dib o ceile in ni aineimiger ina trebad, cuiu dimaineć, .i. aen dam no aen capall, ocus do neoch ber anmid doib cena, ocus ri. Cen cocur, .i. etorro fein, .i. itir in lanamain. Cen comairle, .i. re cennaib. Cen comlogud, .i. on ti firi ndeirna in cocur, .i. uadaib uile. Ar ni coir etla, .i. uair noco coir do nectar de don lanamain etod in neić tinecairtir ina cumaid co huair co hinnoligtec amach, can a comlogud o cać dib da ceile. Cumtura, .i. do beir commaithiur doib.

Curail coimperta i foaici rochraici; ir cor cach techta do beir focomul a cumtur a comaitreib.

[1] *Set off.* 'Comloghadh' means 'compromise,' 'adjustment,' 'giving and taking,' 'balancing of accounts,' &c., and is translated here by the legal phrase 'set off.'

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according to equal justice, with acknowledgment of what is purchased, according to the possession in the thing sold.

Every contract, i.e. every contract which they (*the couple*) make without the one deceiving the other. Concealment, i.e. fraud. Fair contract, i.e. that they make a fair contract of set off. Conscientious, i.e. as to its acknowledgment. According to *equal* justice, i.e. as it is equally lawful for them, according to justice. With acknowledgment, i.e. with ready acknowledgment of the thing which was bought outside, to divide it between them according to *the proportion of* their possession in the thing which was sold out.

It is according to their shares in the thing which was sold out that the gain which is got by means of it outside is divided; or else the person who levied the gain outside shall obtain the share belonging to the person who levies; i.e. or with ready acknowledgment as to his share in the 'seds' which are purchased on the occasion, according to his share in the 'seds' which were given for them, i.e. 'seds' of general increase were given for them, and gain is obtained upon it (*the bargain*), and the person who bought the 'seds' says that he will not give any part of the gain to the other person. *This, however, is unjust,* for it ought to be divided into two parts between them.

Any animal which has become useless for ploughing shall not be sold without consultation, advice, and set off,[1] for the mutual advantage of a connexion of equal property is not to be evaded without adjustment.

Shall not be sold, i.e. one of them (*the contracting parties*) is not to sell from the other the animal which fails in his ploughing, so that he becomes useless, i.e. any ox or any horse, and whatever is useless to them in general. Without consultation, i.e. between themselves, i.e. between the married couple. Without advice, i.e. *without advising* with their chiefs. Without adjustment, i.e. from the person with whom the consultation was made, i.e. from them all. Is not to be evaded, i.e. it is not right for either of the married couple to make away unlawfully with the thing which is provided for their mutual accommodation, without an adjustment being made by the one to the other. Mutual advantage, i.e. which brings equal good to them.

Every arrangement about ordering their children *to be placed* with a friendly foster father; *and* every lawful contract which brings mutual comfort and advantage into their common habitation is binding.

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Cuṙaiḋ, .i. auṙaiḋ in neich compeṙṫiṙ uaṫib, a cliaṁḋe, a ndagaice bo ṙocaiṙḋeċ ṙoċuṙ doib don. Iṙ coṙ cach techta, .i. iṙ coṙ coiṙ ṙin do ṙeiṙ caṫ dligiḋ, .i. doib ṙo uile. Do beiṙ ṙocomuḋ, .i. do beiṙ deġaccomuḋ oṙṙoṙum ṙin ina cumaiḋ uaiṙ a caema da naiṫṙib, .i. do beiṙ ṙoacomoḋ aṙ co maiṫ doib ina comaiṫṙib.

Cach coṙ cen ṙaiṫniḋ; aṙ ṙoṙuaṙluice cechtaṙ da lina dochuṙu aṙaili; ni ṙuaṙlaici a ṙochuṙu do neoch do ṙuiṙmeḋ, ma beiṫ cach comṙa cen imainainiṙ cen imaclaiḋ, co ṙocomṙa, co ṙocubuṙ.

Cach coṙ, .i. caṫ cundaṙ do ġenaṫ can ni iṙ ṙaeṫ ṙe nech doib ann, do ġalaṙaib bunaiḋ, no daimnib incleiṫi, no do diubaiṙṫ. Cen ṙaiṫniḋ, .i. cen bṙeccaḋ. Aṙ ṙoṙuaiṙluice, .i. uaiṙ ṙuaṫuaṙlaiciḋ ceċtaṙ de in da naimaṫ ṙain a ṙochċoṙ ima ceile im taiḋeċṫ ṙae, ó biaṙ ni doib ṙin ann, .i. dia ṙiṙet a leṙ ṙein. Ni ṙuaṙlaici, .i. muna ṙi a leṙ, .i. cia ṙiṙet a leṙ. Do neoch do ṙuiṙmeḋ, .i. do neoch ṙo ṙaiḋṙemaṙ ṙomaind iṫiṙ in lanamain. Ma beiṫ, .i. ma beiṫ cach caem amuaiṙ lanamnaiṙ can emainainiṙ i mbṙiaṫhṙaib iṫiṙ in lanamain. Cen imaclaiḋ, .i. cen imaccliaiḋe no deliċa eṫaṙṙu, .i. nacṙa. Co ṙocomṙa .i. co ṙocumaiḋ uaiṙ accu ima comṫincuṙ. Co ṙocubuṙ, .i. co ndeaġ cubuṙ accu iman comaiṫiṫin.

Maḋ ṙcaṙaḋ, cach ṙcaṙaḋ cen imḋiuṙaiṙiṫ; maḋ im ṫoġa ṙcaṙiṫa, conṙodlaṫ iaṙ ṫechta. Ṫṙian cach ṫoṙaiḋ do ṫiṙ, acht lamṫoṙaḋ; ṫṙian do cethṙa beṙ a bunaḋaṙ on innuiḋe; ṫṙian do uṙġnam. Conṙodlaiṫheṙ ṙo aiṙilliuḋ caich iaṙ ṫiṙ, ocuṙ cethṙa, ocuṙ uṙġnam; maṫ comaiṫi a ṙolaiḋ, no maṫ comolca, iṙ in ṫucht ṙo conṙodlaṫ a ṫṙene.

Maḋ ṙcaṙaḋ, .i. maḋa neṫaṙṙcaṙaṫ iaṫ, caṫ ṙcaṙaḋ do ġenaṫ can emḋuibaiṙṫ neiṫ doib aca ceile. Maḋ imṫoġa, .i. maḋ emṫoġaiḋe leo

[1] *Ordering.* In C. 2746 this passage is explained as follows:—"aice, .i. aiṫe no alṫṙum ut eṙt, uṙaiḋ coimpeṙṫa i ṙoaici ṙoċṙaiṫ, .i. a ċlann co deġaiṫe deġcaiṙḋach. A fosterer, i.e. a foster father, or fosterage, as it is *called*, ordering their offspring with a good friendly fosterer i e. their children with a good well-befriended foster father."

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Ordering[1] *their children*, ('coimperta,') i.e. commanding what is begotten from them, *i.e.* their children *to be placed* with a good friendly fosterer is a good contract for them *both* also. Every lawful contract, i.e. that is a proper contract according to every law, i.e. of all these. Which brings mutual comfort, i.e. which brings goodly comfort upon them in their happy state in their common habitation, i.e. which brings a good bond of union to them in their common habitation.

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Every contract *made* without deceit *is binding;* for either of the two parties can dissolve the bad contracts of the other; they cannot dissolve their good contracts, such as we have enumerated, if every arrangement be made for mutual convenience, conscientiously, without deception or dispute.

Every contract *made without deceit*, i.e. every compact which they make without the existence of anything detrimental to one of them, such as original diseases, or concealed defects *in the cattle*, or fraud *of any kind*. Without deceit, i.e. without fraud. Can dissolve, i.e. for either of these two parties can dissolve the other's bad contract by impugning it, when there is any of these *frauds* in it, i.e. if they themselves require it. They cannot dissolve, i.e. unless it is necessary, i.e. though they should require it. Such as we have enumerated, i.e. such as we have mentioned before *as possible* between the married couple. If *every arrangement* be *made*, i.e. if every settlement be *made* without any deception in words between the married couple. Without dispute, i.e. without any contention or dispute, i.e. of suing. For mutual convenience, i.e. with perfect equalization as to their property. Conscientiously, i.e. with good conscience as to equal acknowledgment.

If they separate, let every separation *be* without fraud; if their separation be from choice, let them divide lawfully. One-third of every *kind of* produce *goes* to *the owner of* the land, except the produce of the hand; one-third to *the owner of* the cattle from which the increase springs; one-third to attendance. It (*the produce*) is divided according to the desert of each as to land, and cattle, and attendance; if their property be equally good, or if it be equally bad, they divide the thirds accordingly.

If they separate, i.e. if they separate, every separation which they make *should be* without the one defrauding the other. If *from* choice, i.e. if it be

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leis na heolcaibiat ac fcaraid, a mbeit co comolugtech araen. Confodlat, .i. is cain fodeilgis roind ineich bis atusrru co dligtech, amail dlegair. Trian, .i. indad do roind a tri. Acht lamtorad, .i. uair nocon fuil ni do dis ar in lamtorad, no da mbeith, comad .ui.ed. Trian do cethra, .i. trian do na cethraib is bunad uair o ninarann in tindad. Do usgnam, .i. do usgaraib. Confodlaithes, .i. is cain fodeilgtes eneic do cach amail aisilltnigter. Iar tis, .i. trian do tis. Cethra, .i. trian do bunad. Usgnam, .i. trian do fuichnam. Mat comaithi, .i. mad comolugtech iat. Comolca, .i. cominolugtech iat. Is in tucht so, .i. is so in ngne ised fodligis a trene.

Trian nusgnuma innuda cethra; confodlaithes a tri: trian do aithiuch tige, trian do mnai fris i mbi aithechus tige, trian do usgnamtaib, .i. dia usgaisib, is de ata "mac slabra gaire."

Trian nusgnuma, .i. trian uasal fosgnama na cethra inasar ann, .i. trian fuichnama. Confodlaithes, .i. is cain fodeilgtes eneic i tri. Trian do aithiuch tige, .i. trian don ti aitiges in tech, fesis in tige, ar liassad. Trian do mnai, .i. trian don mnai isbis ac aitiuch in tige, .i. ar essad, .i. ar feiged. Dia usgaisib, .i. ar imcoimet. Is de ata, .i. is dond sin ata, no is don indsi sin sin ata in slabra do bein don mac tasi solaid na gaire do denam.

Sic.

A cumat mblicht confodlaithes a tri isis tis, ocus cethra, ocus usgnam. Trian nusgnuma, a lech do mnai do gni, a lech naill in lechtrin do lestraib; a lech naill, da trian do aithech tige, ar aen trian do usgnamtaib so trebta.

A cumat, .i. a coimeit no a cutruma sain in laid, .i. bliadt do roind i tri amail innad. Confodlaithes, .i. is cain fodeilgtes eneic i tri sannaib. Isis tis, .i. trian do tis. Cethra, .i. trian do buaib. Usgnam, .i. trian do luchd in usgnama. Trian nusgnuma, .i.

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decided by those learned *in the law* that they should separate, both should be equally lawful. Let them divide *lawfully*, i.e. they should make a fair division of the thing which is between them lawfully, as they ought. One-third, i.e. the increase is to be divided into three parts. Except the produce of the hand, i.e. for nothing is due to the land out of the produce of the hand, or if there be, it is one-sixth. One-third to *the owner of the* cattle, i.e. one-third to *the owner of* the original cattle from which springs the increase. *One-third* to attendance, i.e. to the shepherds. Is divided *according to the desert*, i.e. it is fairly divided among all according as they deserve. As to land, i.e. one-third to the land. Cattle, i.e. one-third to *the owner of* the original *stock*. Attendance, i.e. one-third to service. If equally good, i.e. if they be equally lawful. Equally bad, i.e. if they be equally unlawful. Accordingly, i.e. it is after this manner they divide their thirds.

One-third of the *cost of* attendance falls on the increase of the cattle; it (*the increase*) is divided into three *parts*: one-third *goes* to the man of the house, one-third to the woman with whom cohabitation in the house is had, one-third to attendance, i.e. to the shepherds, from which is derived *the saying*, "the son who receives the portion for maintenance of the old."

One-third of the *cost of* attendance, i.e. one-third of the *cost of* attendance on the cattle which increase, i.e. one-third of the *cost of* service. It is divided, i.e. this is fairly divided into three parts. One-third to the man of the house, i.e. one-third to the man who frequents the house, the man of the house, for his herding. One-third to the woman, i.e. one-third to the woman who is with the man of the house, i.e. for littering, i.e. for a sixth. To the shepherds, i.e. for minding. From which is derived, i.e. it is from that thing, or that circumstance, is derived the portion which is given to the son in consideration of his doing the duties of maintaining the old.

The amount of the milk is divided into three *parts* between *the owner of* the land, and the *owner of the* cattle, and *those who perform* the service. *Of* the third for the service, one-half is due to the woman who performs it, of the other half-third, one-half is due to the *owners of* vessels; of the other half-third, two-thirds are due to the man of the house, and one-third to the attendants of the house.

The amount *of the milk*, i.e. the amount or proportion of the milk, i.e. the milk is divided into three *parts* like the increase *of the cattle*. Is divided, i.e. it is fairly divided into three divisions. Between *the owner of* the land, i.e. one-third to the land. The *owner of* cattle, i.e. one-third to the cows. Service, i.e. one-third to the attendants. The third for the service, i.e.

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feirdo loineda do marbdentaid, ocus marbdentaid cách ben a leith fri lacht. A leth, .i. let leithi in trian, aile dec in lain eirgic do leirtra; a da trian fairde do marlestraib, in tocdmad fann dec; ocus a trian do minolestraib, in feirdo fann trichat. A leth naill, .i. in let aile lete in trian, in aile dec aile. Da trian, .i. in ochtmad fann dec. Ar aen trian, .i. in teirdo fann trichat. Do urgnamtaib, .i. do ugairib; ocus a roind feic ar do itir buachaillib do ocus laeg, cenmotha cuitig uairtneach dimarcraid do brith do buachaillib bo, no co ndechrat laig i comaiteachd lachta, ocus o rachait, a brith do buachaillib bo aile.

Mad aile da lina beta olca folaid, facabar a cuit urgnuma in mifoltaig lar in foroltach, ocus ni diupanar tir na cethra.

Mad aile, .i. mad nechtar de in da naimadrin ber olca folaid, .i. fliacht analtraigi ocus a ceile inso. Facabar a cuit urgnuma, .i. dilri a cotach frithgniuma on analtraid. Ocus ni diupanar, .i. noco diubairtar hi im cuitid tire na cethra.

Trian urgnuma etha ocus failli fanntair a tri, .i. trian ar do mnai frir i mbi ar ocus buain, ocus crud, ocus biathad, ocus methad, acht methad for blicht, it da trian iruidiu do mnai.

Etha, .i. in arba. Sailli, .i. 'na muc, .i. errad na muc 'aice' nama, ocus becdentaid hi a let rir in arbur. Ranntair, .i. urranntair i tri eirgic. Trian, .i. frir a ndentar. Ar, .i. ir in nertrach. Buain, .i. ir in fogmur. Crud, .i. na laeg, ocus na mbanaib ocus ril. Biathad, .i. na naideman ocus na muicide ocus ril. Methad, .i. na muc for mer Acht methad, .i. acht ini metair for in lacht; da trian ar aniada-irin don mnai; a trian frichnama; ocus mardiantaid hi annraidec co cuitig marlestra aicce, .i. ar da trian in trin dir annraide, .i. feirdo loineda. It da trian, .i. cethramtu acht cethramtu nomaid.

Teora muca ar a mbeir ben ocht fand dec; mucc indida,

[1] *Salting portion.* The term '*Cuitigh Uairtneach*' is glossed thus, .i. in bo blegur rir in uartan, .i. rir in talann, no rir in m-balgum. "The cow that is milked with the 'uartan,' i.e. with the salt, or with the mouthful."—O'D. 2098.

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the sixth of the produce of the churn[a] *is due* to the great worker, and every woman is a great worker in regard of milk. The half, i.e. one-half of one-half of one-third, *or* one-twelfth of the whole *is due* to *the owners of* the vessels; two-thirds of this to *the owners of* great vessels, *i.e.* one-eighteenth; and its third to *the owners of* small vessels, *i.e.* the one-thirty-sixth. The other half, i.e. the other half of the half of the third, *i.e.* the other one-twelfth. Two-thirds, i.e. the one-eighteenth. One-third, i.e. the one-thirty-sixth. To the attendants, i.e. the shepherds; and this is divided into two parts between cowherds and calfherds, except the salting portion[1] of excess which the cowherds obtain, until the calves come to suck,[b] and when they do, all the herds obtain it.

[a] Ir. *churn-stick.*

[b] Ir. *accompany the milk.*

If one of the two parties be of worse quality, the service of the unqualified is forfeited to the well qualified person, but he or she is not defrauded of his or her land or cattle.

If one, i.e. if either of the two parties be of worse quality, i.e. this class *of cases* refers to an adultress and her paramour. The service is forfeited, i.e. her service is forfeited by the adultress. Not defrauded, i.e. she is not defrauded with respect to her land or cattle.

One-third of the *amount due for* service *rendered in the production* of corn and bacon is divided into three *parts*, viz., one-third for the woman by whom the ploughing and the reaping are done, and by whom *the young of* cattle *are fed*, and *who superintends* the feeding *of working men*, and the fattening *of cattle*, except *in case of* the fattening with milk, for which two-thirds are due to a woman.

Of corn, i.e. the 'arba'-corn. Of bacon, i.e. of pigs, i.e. she has the littering of the pigs only, and she is a small worker with respect to the corn. Is divided, i.e. this is divided into three *parts*. One-third *for the woman*, i.e. with whom they are done. The ploughing, i.e. in the spring. The reaping, i.e. in the harvest time. Cattle, i.e. of the calves, and of young pigs, &c. The feeding, i.e. of the ploughmen and of the swineherds, &c. Fattening, i.e. of the swine upon mast. Except the fattening *with milk*, i.e. except what is fattened with the milk; the woman has two-thirds out of this particular thing; one-third for attendance; and here she is a great worker having the share due to *the owner of* great vessels, i.e. for she has two-thirds of the third for this, i.e. one-sixth[2] of the produce of the churn.[c] Two-thirds *of one-third*, i.e. one-fourth except the fourth part of one-ninth.

[c] Ir. *churn-stick.*

There are three pigs out of which a woman obtains the eighteenth part: a pig of increase which is fattened upon masts but of

[2] *One-sixth.* This is incorrect, for $\frac{2}{3}$ of $\frac{1}{3}$ is not $\frac{1}{6}$, but $\frac{2}{9}$. The true calculation is given at the next line: $\frac{2}{3}$ of $\frac{1}{3}=\frac{2}{9}=\frac{1}{4}-\frac{1}{36}$.

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ocus metar for meag, ocus ni fil cuit di i methad; ocus mucc nad innuda, ocus fo faig in ben leguad buadalla, ocus muc nach innud, ocus methtar for arbur; ocus is becdentaig.

Da muic ar a mbeir aile dec, .i. muc metar for lacht, amail arbeir,

Aili dec do mnai,
A faill muice crai;

ocus cid for arbar dono, is aili dec mad muc creice, ocus is mardentaid in ben.

Deora muca ar a mbeir ix., .i. muc innuda; ocus fo faig leguid buadulla, ocus is becdentaid co nindile; ocus muc innuda ocus metar for arbur, ocus is becdentaid beour; ocus muc luaigthir do arbur, ocus metar for arbur, ocus is becdentaid beour.

Sic. In torc peta dono, ocht finninge dec, is friu fiaglaigter, .i. ise dib do bunad, ocus a se do tir, ocus a se do fritgnam.

Cid fodera trian do bunad isund, ocus leath do bunad muice i mbaile aili. Cach muc ar thualing a beathad a haenur ar di ata leath, ocus na hai nacha thuailnge comad a trian aisse. Trian fritgnama fantatar i nde, .i. a leath do mnai, a leath aili do fir ocus do augairaib, ocus do minlestraib ocus do marlestraib. Rannraige i nde iterum, .i. a leath do marlestra ocus minlestraib, a let naill do fir ocus augaire, .i. leithfinning do minlestraib, ocus finding do marlestra, a chumat do fir ocus augaire. Is lair in mnai cuit marlestra, .i. abel, co nad ceathramad don mnai act ceathramthu dechmaid.

Nomad do mnai a lin for a coir, amail arbeir,

Etsa roir
Mad for a coir;

beth fechumud di iar na tirmugad, ocus trian iar na ailgubad, ocus leth o fein fuar.

Octmad do mnai ar lomrad, ocus ui.ead di iar na cet

which she has no share in the fattening; and a pig which is not of increase, of which the woman gets the *share due for* swineherd's service, and a pig not of increase and which is fattened on corn; and she (*the woman*) is a small worker.

There are two pigs out of which *she obtains* the one-twelfth, i.e. a pig which is fattened upon milk, as it (*the law*) says,

The one-twelfth to the woman,
Of the bacon of a sty-pig;

and even if it has been *fattened* on corn, it is the one-twelfth *that is due to her* if the pig was purchased, and *in case* the woman is a great worker.

There are three pigs out of which she gets one-ninth, i.e. a pig of increase; *in this case* she provides the service of a swineherd, and she is a small worker with cattle; a pig of increase which is fattened upon corn, and she (*the woman*) is also *in this case* a small worker; and a pig which is purchased with corn, and fattened on corn, and she (*the woman*) is *in this case* a small worker also.

The *price of the* petted hog also, of the value of eighteen pence, is thus regulated, i.e. six of them (*the pence*) *are due* to the *owner of the* original *young pig*, six to *the owner of* the land, and six to *those who give* the attendance.

What is the reason that one-third *is given* to the *owner of the* original *young pig* here, and one-half to *the owner of* the original *young* pig elsewhere? *The owner of* every pig which is able to feed alone is entitled to one-half, but *the owner of* such as cannot *is entitled* to *only* one-third. The third due to service is divided into two parts, i.e. one half to the woman, and the other half to the man and to the shepherds, and to *the owners of* the small vessels and the large vessels. These are again subdivided into two parts, i.e. one half to *the owners of* great vessels and small vessels, *and* the other half to the man and the shepherd, i.e. one halfpenny to *the owner of* the small vessels, and a penny to *the owners of* the large vessels, as much to the man and the shepherd. The share of the *owner of* great vessels is the woman's, i.e. an obole, so that the woman gets the one-fourth, except the one-fourteenth.

The woman gets one-ninth of growing flax, as is said,

"A vessel of flax,
If it be on foot"

(*i.e. standing*); she shall have one-sixth of it after being dried, and one-third after being scutched, and one-half from that out.

One-eighth *of the wool is due* to the woman after its being shorn, and one-sixth to her after its greasing, and one-third after its being

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belad, ocus trian a cirtha arbalam, ocus leat o fein fuas; comad leth fri bunad, ocus comad for an let aile no beth in[compruind]re innsed; no cona hairmitea bunad etir or aurlam.

Mad la mnai cairig, comad leat cacha hernaile dib fo do fir co hurlamad, ir fainn inde annaide do grer.

Fritchgnam erraig fri har ocus cruid; da trian a dligid na mna ar.

Fri har, .i. do denam ard. Cruid, .i. na muc. Da trian, .i. in .ix. aid, .i. da trian a mbia di ar in mbliadain arde irred dligar ar in nerrach a aenur.

Nomad indusa in fir don mnai occa mbi indile. Mad ben cen indile, ir .uii.ad trin fritchgnama di i nindida; no fectmad nomaid. Mad marbdentaid co nindile, ir feired di a harbaim. Mad becdentaid co nindile, ir .ix.ad di a harbaim. Mad marbdentaid cen indile, ir fectmad trin fritgnuma di, conad hi in .ix.mad fann fichit in arba uili; no fectmod a leiti in trin, conad hi in dara fann cethraccat in narba uile; no ir inann a cuit ocus becdentaid co nindile, .i. .ix.

Mad becdentaid cen innile, ir .ix. trin fritgnama di, conad hi in fectmod fann fichit in arba uile; no .uii..ix. .i. in dreas fann fergat ind uile; no ir fectmod trin fritgnama, iar mac samraidan.

Ben in .ix. dia lectar i mbelltine, ir da trian inomaid berer; ben in ogmair, ir trian in nomaid; ben in samraid, ir trian trin nomaid digrge; ben in geimrid, ir trian inna oenmad fainde .lxxx. di.

Atbeir cathan ir cutruma cuit marbdentada co nindile ocus cen indile a trian fritchgnama. Becdentaid fineliter.

Lin ocus glairin ni fil ni dib do tir, ara laiged neich fo reired do tir, ocus meit fritgnama frir ocus loigthinde.

[1] *Divided in two.* In O'D. 302, the reading is 'innsde' for 'annaide' of the text.

[2] *Twenty-first part.* The Irish has the twenty-ninth part, which must be a mistake.

[3] '*Glaisin*'*-dye-plant.* The word 'glaisin' is not explained in any published Irish Dictionary; it is very probably the name of some plant used for dyeing blue, as would appear from a passage in the life of St. Ciaran of Clonmacnoise, contained in the book of Lismore, fol. 78, b. col. 1.

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rough combed, and one-half from that out; or, *according to others*, the original owner gets one-half, and the other half is divided, as here mentioned; *or, according to others,* original ownership is not reckoned (*i.e. taken into consideration*) when it (*the wool*) is completely prepared.

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If the sheep belong to the woman, the man shall have one-half *of the wool* in all these stages until it is completely prepared, after which it is always divided in two.[1]

As to the amount due for the service of Spring in ploughing and fattening; the right of the woman out of it is two-thirds.

In ploughing, i.e. to be done in it. Fattening, i.e. of the pigs. Two-thirds, i.e. of the one-ninth, i.e. two-thirds of what is due to her for the whole year are due to her for the spring work alone.

The ninth part of the *cattle* increase of the man *is due* to the woman who has cattle. If she be a woman without cattle, she has the one-seventh of the third of the increase for her service; or the seventh of the ninth. If she be a great worker with cattle, she has the sixth of the corn. If she be a small worker with cattle, she has the ninth of the corn. If she be a great worker without cattle, she shall have the one-seventh of the third for her work, which is the twenty-first part[2] of the whole *amount of the* corn; or, *according to some,* the seventh of one-half of the third, which is the one-forty-second part of the whole *amount of the* corn; or, *according to others,* her share is the same as *the share of* a small worker with cattle, i.e. the ninth.

If she be a small worker without cattle, she shall have the ninth of the third for her service, which is the twenty-seventh part of the whole *amount of the* corn; or, *according to others,* the seventh of one-ninth, i.e. the sixty-third part of the whole; or it is the seventh of the third for service, according to Mac Samhradhan.

If the woman entitled to one-ninth be put away in May, she shall obtain two-thirds of one-ninth; the woman *put away* in the Harvest time, gets one-third of the ninth; the woman *put away* in the Summer, one-third of the third of the ninth; the woman *put away* in Winter is entitled to one-third of the one-eighty-first part.

Cathan says that the share of a great worker with cattle and without cattle is the same when one-third is for service. A small worker *similiter.*

Of flax and 'glaisin'-dye-plant[3] no part is due to *the owner of* the land, on account of the smallness of the quantity which could belong to the land, and the greatness of the price of the service and the price of attendance.

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O'D. 301.

[In tinnud do fuinn a tri, acht ma fe innud na mna.

Trian tire aigefium ann, ocus trian bunuid aicefe, ocus trian frichnuma do comruinn doib etarrud; a trian trir ar liarrud, a trian do mnai ar erred, ocus trian do aegaire ar coimed; acht mafa lefi aegaire is cuic nomuid aicefe, ocus ceithre nomuid aigefim.

Mas leisium aegaire, is cuic nomuid aigefium ocus ceithri nomuid aicefi; ocus mas leo maraen, is roinn ar do etarrud.

Mafa lefe aegaire, is da nomad aicefe ann ocus fecht nomuid aigefium. Mafa lefium aegaire, is ocht nomuid aigefim ann ocus nomud aigtefi. Mafa leo imaraen, is nomad co let aicefi ann, ocus let nomud aigefim.

Cid fada bet a laig a coimetecht lachta nocha nfuil a fuinn no condechfuit a noirge, ocus o fachuit is ann ata a roinn.]

Leath do mnai a etach no lamtorad frithiu; trian a cirthu adblam; lethtrian alloaib, ocus a fcuapaib lin; trian a cruib glaifne, leth mad coitechе.

A etach, .i. urlam, no o biar ina fnath urlam he iar na toirithniugad di o laim da fnim. Adblam, .i. adbul, conach em conach urlam he, acht a cirad ar belad ocus ar cumafc na holla. Lethtrian alloaib, .i. let in trin, feifed na holla. A fcuapaib lin, .i. ar fcuabaib do genam de, ocus ara tiurmugad. Trian a cruib glaifne, .i. arin glaifin ina cet cru. Leth mad coitechе, .i. ar in cru tanaifte, no madat hurlam.

Cetheora randa fuil for ollaind, .i. .uiii.mad ar lomrad, ocus .ui.ed alloaib; ocus trian a cirtho adbalam, leth o da cae beoil ind, itir abrus ocus etach.

[1] *'Cru'-state.* The word 'cru,' in the sense in which it appears to be used in connexion with the word 'glaisin,' has not occurred elsewhere in the Irish Laws. It is used apparently to denote the 'glaisin' in some state of its preparation, before being ready for use.

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The increase is divided into three *parts*, unless it be the increase *belonging to* the woman.

In this case he (*the man*) has one-third for the land, and she one-third for the original stock, and they divide the one-third for the service equally between them; one-third *goes* to the man for his herding, one-third to the woman for littering, and one-third to the shepherd for minding; but if the shepherd belongs to her she shall have five-ninths, and he four-ninths.

If the shepherd belongs to him, he shall have five-ninths and she four-ninths; and if he belong to both, it (*the increase*) shall be divided into two *equal parts* between them.

If the shepherd belongs to her, she shall then have two-ninths and he seven-ninths. If the shepherd belongs to him, he shall then have eight-ninths and she one-ninth. If he belong to both, he shall have a ninth and a half, and she half a ninth.

However long the calves may be sucking the cows,[a] they shall not be distributed until they (*the cows*) run dry, but when they do *run dry* then they (*the calves*) shall be distributed.

[a] Ir. *Accompanying the milk.*

One-half of cloth or the produce of the hand by spinning is due to the woman; one-third of *wool* which is combed once; half one-third of *wool which is* in locks, and of sheaves of flax; one-third of the 'glaisin'-dye-plant in the 'cru'-state,[1] one-half if prepared.

Of cloth, i.e. prepared, or when it is in the shape of prepared thread being produced by her hand in spinning. Once, i.e. in its first process, when it is not prepared, but combed after the wool has been greased and mixed. Half one-third of *wool which is* in locks, i.e. half the third, *or* one-sixth of the wool. Of sheaves of flax, i.e. when it is made into sheaves, and when it is dried. One-third of the 'glaisin'-dye-plant in the 'cru'-state, i.e. she has one-third out of the 'glaisin'-dye-plant in the first 'cru'-state. One-half if prepared, i.e. out of it in the second 'cru'-state, or if it be prepared.

There are four divisions of the wool, i.e. one-eighth *is due to the woman* after the shearing, one-sixth *when it is* in locks, and one-third when it is first combed, one-third when the grease is put into it, and both of thread and cloth.[2]

[2] *Thread and cloth.* The more the manufacture of the wool was advanced the more the woman was entitled to at her separation from the man or husband, because she was allowed for her work, and paid in the material or manufacture she had worked at.

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Ceitheora fanda di for glairin, .i. noma [ar buain na glairin]; .ui.eó iar na minugad co techt a cro, [.i. ar in glairin ina cet cro]; trian iar na cet codad; leth mad co taide.

O'D. 302.

Cetheora fanda di for lín; hercra fuil di mad for a coir beth in lin; nomaó a fcuaparb cen thuarigain; feired mad innarta; leth o do choi o clar.

Teora fanna berer fer o mnai do indad, itir bu ocus caerda 7rl.; feired ar na legaib do berad na ba leo ina mbroind; trian ar a laegaib frie irin trer bliadain, .i. trian tire, ocus leth trin frithgnama 7rl.

Ni toroimle cechtar do lina dia fáile ir dilet do mad tria comlogud do biathad ocus etiud.

Ni toroimle, .i. ni toirmeler cechtar de in daimat fin ima ceile do comloigdib.

.i. Ir dilig do cać ni caidfer do biud ocus detać, mad iar na comlogaó, uair ir dib fein ir doić in comlogud do denum; ocus cid do neićaib aile do nećar he, bud dilig; no cona bad dilig comlogud do neithaib aile acd dib fin.

Ir de arbeir "irlan cach cocraithe comloige." Arrenar aithgein cach diubairt co logud, no ineranar a lo imrartha.

Ir de arbeir, .i. ir de raitir no airneigtir. Irlan, .i. irlan o neoch in ni dib ro ciallrunaigirtir do tabairt iar na cocur. Arrenar aithgein, .i. ir uair eirnitheir aithgin in cać nurain ebairt berer neć dib o ceile, ocus ačtugad ice uil and .i. icair aithgin i cach diubairt co ro loigter, cidbed inbaid inacairtar co fcarad .i. ar oin no ar airliucud tucad, ocus nocor ciniud re. Co logud, .i. co roib logud ann on ti o rucad. Ineranar, .i. no eirnitir a hic ir in lo i ndenat imrar, ocus actugud icce uil and.

Ni forixla taide no cnet no fogairiud no forcomul

[1] *From the board.* In O'D. 303. the reading is 'for clar', i.e. on the board.

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Four divisions of the 'glaisin'-dye-plant are due to her, i.e. the ninth when the 'glaisin'-dye-plant is pulled; one-sixth after it is smoothed, until it comes into the 'cro'-state, i.e. she has this out of the 'glaisin'-dye-plant in its first 'cro'-state; one-third after its first hardening; one-half if it be completely prepared.

Four divisions of the flax are due to her: she is entitled to a vessel of flax-seed if the flax in the stalk be growing: to a ninth *if it is* in sheaves without being scutched; one-sixth if scutched; one-half if it went from the board.[1]

The man obtains from the woman three divisions of the increase, both of cows and sheep, &c., one-sixth of the calves which the cows carry in their womb; one-third of these calves in the third year, i.e. one-third to *the owner of* the land, and half of one-third to *those who perform* service.

What either of the two parties consumes is forfeited to that party if there be set off as to food and raiment.

What *either* consumes, i.e. what either of these two parties uses belonging to the other is mutually remitted.

That is, what either *party* uses of food and raiment is remitted, if a claim for set off exists, for it is of these it is likely the set off is to be made; or if it be made of other things, they shall *also* be forgiven; or, *according to others*, no set off of *any* other things except these is allowed.

Hence it is said: "every thing adjudicated to be a matter of set off is safe." Restitution shall be paid for every fraud until there is satisfaction given, or it shall be paid for on the day of separation.

Hence it is said, i.e. from it is said or observed. Is safe, i.e. what one has advisedly given after its being awarded is safely withheld from him. Restitution shall be paid *for every fraud*, i.e. restitution is fairly paid for every overplus that one of them has obtained from the other, and there has been a stipulation of payment in this case, i.e. restitution is paid for every fraud, so that there is satisfaction given for it, at whatever time it is sued for, until the separation takes place, i.e. *if* it was as a loan or at interest it was given, without specifying the time. Until there is satisfaction given, i.e. until there is satisfaction for it *made* to the person from whom it was taken. It shall be paid for, i.e. the payment shall be made on the day on which they make the separation, and there is a stipulation of payment in the case.

That which is taken away in theft secretly or openly or by violent seizure, shall be paid for with addition

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necne, arrenair cona fuillem co diabul naithgena. Mad marbdile mad beodile, co nar ocus lor ocus fuillem ocus fuilliud.

Ni forcxla, .i. ni foxlar nech dib o ceile i ngoit. No cnet, .i. co hirgal. No fognirriud, .i. cu hard. No forcomuil necne .i. no rir forcomuil tre eicin farnigte. Arrenar, .i. ir uair eirnidir eirgic cona fuilleam imon neneclainn. Cona fuillem, .i. i nairgit, ocus bia diablad cen co tuc ar aird. Co diabul, .i. in dire. Mad marbdile, .i. ocus biad fuilleam leo. Co nar .i. inorbairt na fet, .i. na colla leogaide. Lor, .i. na laig. Fuillem, .i. in inorbairt .i. in lacht. Fuilliud .i. in diablad .i. in dire.

Mara neigin no mara ngait fucait a feoit uaithe, acht mara marbdile, ir lan riach gaite indtib fo cetoir, ir fuilleam do rith riu amail ro betir for treabairte eachtrann; mara beodili imorru, ir lan riach gaite fo cetoir, ocus lor ocus ar ocus gearit inntib iar rin, ocus lachtocus gnimrad daigeac uad.

O'D. 303. [.i. Mar ar ecin, no mar ar daigin a ngaite fucud a feoit o neoch, mara mairdile ro gatar ann, no beodile ag na fuil inorbuirt, lain riach gaite do fo cetoir, ocus fuilliud do rith riu amuil no betir for trebuirte echtrand cu cenn mbliadna.

Mara beodile agana aicinta innud do bet, acht ma fucrat innud amuig, acht ma mairit acud e, ir a airiuc leo, ocus muna mairiunn, innud a macaramluid da ere.

No mara beodile imurro, lainriach gaite inntib fo cetoir, ocus ar ocus lor ocus gert inntib iar rin; ocus lacht ocus gnimriud do airiuc uad; ut est legim, qui ailiter in oulibi intrat, nisi per ostium fur est, .i. in ti tet conuir eile irin liar caerad acht tar a dorus ir amuil gatuige é; ir amluig rin ata in ti tet a relb nech eile gan dligeb aige, ir amuil crechuire é.

Muna fucrat innud amuig, ir cetriud coma frega innuda drir bunuid, .i. fearrriud firinne lair na eachaib, no laig buiminne lair na buaib.]

[1] *Theft.* 'goit' here stands for both larceny and robbery.

[2] *Dead Chattels.* The word 'mairdile,' translated 'dead chattels,' is probably a clerical error for 'marbdile,' which occurs frequently in the Irish Laws.

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and with double restitution. If it be dead chattels or live chattels, *they shall be returned* with growth, and increase, and interest, and addition.

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That which is taken away, i.e. the thing which one of them takes away from the other in theft.[1] Secretly, i.e. privately. Or openly, i.e. publicly. Or by violent seizure, i.e. actual violent seizure by force and compulsion. Shall be paid for, i.e. it shall be fairly paid, with interest respecting the honor-price. With interest, i.e. of what they sue, and there shall be double paid though he did not bring it into view. With double, i.e. the 'dire'-fine. If dead chattels, i.e. and there shall be interest with them. With growth, i.e. the growth of the 'seds,' i.e. the bodies (*original stock*) with them. Increase, i.e. the calves. Interest, i.e. the increase, i.e. milk. Addition, i.e. the double, i.e. the 'dire'-fine.

If it be by force or by theft her (*the woman's*) 'seds' have been carried away from her, if they be dead chattels, full fine for theft shall be paid for them at once, and interest shall accumulate upon them, as if they were on the security of external persons; but if they be live chattels, full fine for theft shall be paid at once, and increase, and growth, and milk for them afterwards, and the milk and the work shall be returned by him (*the man*).

If it be by force, or with a view of stealing them, that his 'seds' have been taken away from one, if they be dead chattels[2] that have been stolen in the case, or live chattels which have no increase, full fine for theft *shall be paid* to him at once, and interest shall accumulate upon them, as if they were on the security of external persons to the end of a year.

If they be live chattels, which, it is natural, should have increase, *they shall be returned*, and if they have borne increase outside, and that it live with them, it shall be returned along with them, but if it is not living, similar increase must be given in its place.

Or, if they be live chattels, full fine for theft *shall be paid* for them at once, and the growth, and increase, and milk for them after that; or the milk and the work, shall be returned[3] by him; as it is *written* "he who goeth otherwise into the sheep fold[4] than by the door is as a thief;" so likewise is he who goeth into the possession of another person without having right, he is as a plunderer.

If they (*the chattels*) have not borne increase outside, it is the opinion *of lawyers* that the original owner may have his choice of increase, i.e. male foals with the horses, or female calves with the cows.

[3] *Shall be returned*, i.e. compensation shall be made for their milk and their work.

[4] *The Sheep-fold.* The word 'oulibi' in the text is no doubt intended for 'ovile.'

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O'D. 305.

Dilesh cach oin, cach airliciud, cach sheic, cach cheic [cin imdiubirt] do cechtar da lina dia faindiliud fadeirin, co suce log nenach do cach iarn a coir cunnruda. Fothud, fuisriud do cechtar da lina so miad.

Dilesh cach oin, .i. fristara araile. Airlicius, .i. ar araill leicer .i. imach. Cach sheic, .i. imoch. Cach cheic, .i. imuich. Cin imdiubirt, .i. cach ni berer nech dib o ceile [cin] emdiubairt. Dia faindiliud, .i. dia faindiliud budein, .i. dia cuit indutha ocus slicht̃nama, no da trian tinol threbtha. Co suce log nenach, .i. co log a enech in caich danad coir cundrad do denam, .i. do na ceithri mnaib dligtecha. Fothud, .i. in ni is coir doib drothugad isin lo. Fuisriud, .i. in ni is coir doib druisriud is in aitche for damrud. Do cechtar da lina, .i. do cechtar de in da nadmat fain fo uairligiataide.

In be cuitcherna, ocus in cétmuintir co macaib ocus cen macu, ocus in adaltrach co macaib, do berad na ceithri mna fa log a nenech budein dia forcraid a naidid a fer ocus a necmair, a noin ocus a nairlicud, a coraib ocus i cundradaib; ocus gaibit a naithne; ocus do berat da trian loige a nenech fein, cid a naigid cid a necmair a fer, dia lethtinol; ocus do berat a forcraid uile do fuarlugad a carat a glar no slabrad; do bérat a lethtinol co suce socor no angbocht, ocus tiadait a siachtad fri log i neneċ a naigid a fer, ocus fri trian loigi a nenech a necmair, ocus it artiaide a foċair, ocus taithmechta a ndoċair.

O'D. 2253.

In adaltraċ cen macu ni tabair i necmair acht croman [ocus fertair ocus aiced]. Ni tabair cid a naigid acht ini forcongair a cheile. Do bein a forcraid do fuarlucad a carat, ocus feired dia lethtinol; ocus teit fri trian loige a heneċ dia nar be

[1] *Without fraud.* In O'D. 1119 the reading is 'cach cheic, caċ nimdiubairt,' i.e. every sale, every fraud, but in O'D. 305 the reading is 'cach cruc cin imdiubuirt,' (i.e. every sale without fraud.) This seems the correct reading, and the same MS. adds, "if there be fraud the fraud is not forfeited till it amount to the honor-price of each, i.e. of each of the four lawful wives, but they are not commensurate with the honor-price of the men."

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'CAIN LANAMHNA,' OR LAW OF SOCIAL CONNEXIONS.

Every loan, every *case of* lending at interest, every sale, every purchase without fraud,[1] of their own peculiar property, is forfeited to either party, to the amount of the honor-price of such as are entitled to make contracts. Each of the two parties has *power to give* refection *and* feast according to their respective dignity.

Every loan is forfeited, i.e. answering another. Lending at interest, i.e. for another thing it is given, i.e. out. Every sale, i.e. out. Every purchase, i.e. outside. Without fraud, i.e. every thing which one of them takes from the other without fraud. Of their *own* peculiar property, i.e. of their own proper possessions, i.e. of their share of the increase or service, or two-thirds of the gathering of the house. To the amount of the honor-price, i.e. to the amount of the honor-price of such as are entitled to make contracts, i.e. of the four women that have the right.[a] Refection, i.e. what should be given as refreshment in the day. Feast, i.e. what it is right for them to serve in the night to visiting parties. Each of the two parties, i.e. each of the two parties according to their respective nobleness.

[a] Ir. *Lawful wives.*

The woman of equal rank, and the first wife with sons and without sons, and the adultress with sons, these four women may give their own honor-price of excess in presence of their husbands, and in their absence, in loan and in lending at interest, in bargains and in contracts; and they receive things committed to their charge; and they give two-thirds of their own honor-price whether in presence of or in the absence of their husbands, of their half 'tinol'-marriage collection; and they may give all their excess of fortune[2] to ransom their friends from fetters or chains; they may give half their 'tinol'-marriage collection until it comes down to great poverty or extreme want, and they may go security to the amount of their honor-price in presence of their husbands, and to the third of their honor-price in their absence, and their good contracts are binding, and their bad contracts are dissolved.

The adultress without sons shall not give in the absence *of the man anything* but a hook[3] and a distaff and *such* implements. She shall not give in his presence *anything* but what her partner shall order. She may give her excess of fortune to ransom her friends, and the sixth of half her 'tinol'-marriage collection; and she may go security to *the amount of* the third of her honor-price, if she has separate property, in the presence of her partner,

[2] *Excess of fortune.* Excess of their fortune over that of the husband.

[3] *A hook.* 'cromán,' a hook for cutting ivy. O'D. 502.

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'Cain Lanamhna,' or Law of Social Connexions.

ɪɡaindilɪɡ i naiɡiu a fir, ocus ni teit a necnairc fri ni; ocus ir taithmechta a focal ocus a dochar; ocus ni teit fi act fo na ceitheora curu, .i. imbi a cuit, freic mbo ocus cerach, biu ocus etaiu. Acus do beir cach ben a coitchenduf na haifcaide fili it isin cin, dia chairdaib doinaib caca bliadna, ocus comad dia fuidilir; .i. fcrepall do beir ben mbidbodaig; tri fcripaill do beir ben caca ogairech; ben caca boairech cu fuce dairt; do beir ben cach aifrech itir da airig, ag letloige bo; bo innlaeg do beir ben airach dera; act fcripaill dec do beir ben airech tuire; uinge do beir ben cach airach o fuidiud co fuice fig. Teora uinge do beir ben cach fig ocus cach briugad ocus cach fili.

Foraidithel boairig an aile, ni fothaidtel iarum co iar nde threire; foraidethel a flaith ocus a eclar fadein cechtar dalina, ocus a cairde ocus a chorlointhe.

Foraidithel, .i. foraigid in boaire in mboairig aile. Ni fothaidtel, .i. nocon fotaigeann fe nech aile iarum for damrud co haitle na threiri, .i. foeram in bo airech in threiri. Foraidethel a flaith, .i. uair noco gabann grelm foeram neich aile fiuraide ar a manchaib, ocus geibid grelm a faeramfom fe nech co fuice a leath, Cechtar da lina, .i. ceachtar de in da naimad fain. Cairde, .i. claemcluma. A chorlointhe, .i. fialura.

Lanamnur mna for ferthinucur, ir cor a cor in fir fech in mbein; acht freic etaig ocus biu, ocus frec bo ocus cearech, mad ben urnadma na be cetmunnter.

Lanamnur, .i. ben bir a ndliged lanamnair for in tincur fearda. Ir cor a cor in fir, .i. ir cunnrad cunnrud in fir frin fec in mnai, .i. in adaltrach can macu. Acht freic, .i. deirmirecht ar na huilid dochoraib forecar fain. Ben urnadma, .i. adaltrach cin macu indfo.

Mad be cetmunterafa techta, comaith ocus com-

[1] *The book called 'Cin.'* *Vide* note [1], p. 354.

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'CAIN LANAMHNA,' OR LAW OF SOCIAL CONNEXIONS.

but she may not go *security* for anything in his absence; and her good contracts and her bad contracts are *alike* dissolved; and she shall impugn only the four contracts, i.e. in which she has part, *viz.*, the sale of cows and sheep, of food and raiment. And every woman in general may give the presents which are *mentioned* in the *book called* 'Cin,' to her poor friends every year, so that they be out of her own separate property; i.e. the wife of a man of the lowest rank gives one 'screpall'; the wife of every 'ogaire'-chief gives three 'screpalls'; the wife of every 'bo-aire'-chief *may give presents* as far as *the value of* a 'dairt'-heifer; the wife of every 'aire-itir-da-airigh'-chief, a calf of the value of half a cow; the wife of every 'aire-desa'-chief gives an in-calf cow; the wife of every 'aire-tuise'-chief gives eight 'screpalls'; the wife of every 'aire'-chief from that up to a king gives an ounce. The wife of every king gives three ounces, as does the wife of every Brewy, and of every poet.

One 'bo-aire' chief entertains another, *but* he does not entertain again till three days *have elapsed;* either of the two parties entertains his *own* chief and church, and his friends and relatives.

One 'bo-aire'-chief entertains *another*, i.e. one 'bo-aire'-chief gives refection to another. He does not entertain *again*, i.e. he does not entertain another person afterwards at a party till after three days, i.e. the protection of the 'bo-aire'-chief is three days. Entertains his *own* chief *and church*, i.e. for the protection of another person does not take hold along with them upon their tenants of ecclesiastical lands, but their protection takes hold with *another* person as far as one-half. Either of the parties, i.e. either of the two. His friends, i.e. his allies. His relatives, i.e. his kindred.

In the connexion of a woman upon the property of a man, the contract of the man is good without the *consent of the* woman; except *as regards* the sale of clothes and food, and the sale of cows and sheep, if she be a contracted woman who is not a first wife.

Connexion, i.e. a woman who is subject to the law of connexion upon the property of the man. The contract of the man is good, i.e. the contract of that man is a *good* contract without *the consent of* the woman, i.e. the adultress without sons. Except *as regards* the sale, i.e. this is an example of all bad contracts which are impugned. A contracted woman, i.e. this is an adultress without sons.

If she be a woman of first lawful marriage, of equal

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ceniuil—fech ir comceniul cach co maith—fo fuarnaide a cusu uile mat baith, ar niraid dilse for diubirt na fogniriud; conda tathbongat a meic.

Mad be cetmunterara, .i. mad bean bus cetmuinnter uair co dligthech. Comaith, .i. a tochéus, .i. im trian tinol techta. Comceniuil, .i. commaith a cinel, .i. camraer. Sech ir comceniul, .i. feichim no inraigim cunud amail comceneol doib o bus commaid a tocchus, .i. cenib comraer, .i. im trian tinol trebtha. Fo fuarnaide, .i. comrcailitraide a cuirraidi uile mad innoligtech iat. Mat baith, .i. in be cuicgenra. Ar niraid dilse, .i. uair noco tairiurenn dilse in cunnarta innoligtech o beidir aca ogruaistred, .i. dia mbe diubairt inoib. Conda tathbongat a meic, .i. co taithmigec cid mac na be cuicgenra in cunnrad muna cumaing fein a taithmech, .i. a clanna no a nadmanna no a ratha.

Mad coibde fri bein da rata, cid dia fetaib fadefin, ir dilis don cetmuintir in coibde sin, ma ogaid a mamu techta a lanamnais.

Mad coibde, .i. mad coibchi do bera fe do mnai aile dar a cenn. Cid dia fetaib fadefin, .i. ci dia fetaib budein in fis in coibchi. Ir dilis don cetmuintir, .i. log nenech ocus coibde digid o fis, ocus log nenech on adaltraige, ocus in coibci do radad di, ocus coibci fria o fis dia nana hi fus, ar ir fogal etirscartach. Ma ogaid a mamu .i. mad comlanaigid a greim co dligtheach ir in lanamnus, .i. ni hime tucad bean tar a cend im innoliged do denam.

[1] *For the purpose.* The husband did not mean to cheat his wife by bringing the other woman into the house. He wishes to pay such fines to his wife as the law should impose.

In O'D. 306, the following remark is added:—Ma ro fitir in bean tugad ann cunad ar ceann mna tugad hi, coibche ocus einiucluinn o fis di, ocus einiucluinn on mnai tucad ann, ocus cutruma na coibde uatib da fetaib fuidilsi fein do dilsiugad don mnai tar a ndeachaid ceann a dualgus

property and equal family—she who is of equal property is of equal family—she can disturb all his (*the man's*) contracts if they be ill-advised, for legality cannot attach to fraud which is opposed; her sons may dissolve them.

If she be a woman of first lawful marriage, i.e. if she be a woman who is a first wife, noble and lawful. Of equal property, i.e. as to wealth, i.e. as to the third of the lawful gathering. Equal family, i.e. her family being equally good, i.e. equally noble. Of equal family, i.e. I hold or advance that they are, as it were, of equal family, if their wealth be equally good, i.e. as to one-third of the gathering of the house, i.e. though there are not *in reality* equally noble. She can disturb, i.e. she can dissolve all his (*the man's*) contracts if they be unlawful. If they be ill-advised, i.e the woman of equal rank *can do so*. For legality cannot attach *to fraud*, i.e. for the legality of the unlawful contract cannot stand *good* when it is opposed, i.e. when there is fraud in it. Her sons may dissolve it, i.e. the sons of the woman of equal rank dissolve the contracts if she cannot dissolve them herself, i.e. his agreements, compacts, or securities.

If he gives a 'coibche'-marriage present to a woman, though of his own seds, that present is forfeited to the first wife, if she has fully performed her duties during the connexion.

If *he gives* a 'coibche'- marriage present, i.e. if he gives a present to another woman, in her place. Though of his own 'seds,' i.e. though the marriage present be *given out* of the man's own 'seds.' Is forfeited to the first wife, i.e. honor-price and the marriage-present are due to her from the man, and honor-price from the adultress, and the marriage-present which was given to her; and an *additional* sum is due to her from the man, if she remain with him, for it (*i.e. what he has done*) is a cause of separation. If she has fully performed her duties *during the connexion*, i.e. if she has legally completed her lien in the connexion, i.e. the woman was not brought in in her place for the purpose[1] of committing illegality.

innupbda o deachmuid amad; ocus airiuc na coibde fus sin toiched, ocus da legur eod a toiched, ir diablad iar neo.

"If the woman who was brought in on this occasion knew that it was in the place of *another* woman she was brought, the husband shall pay the marriage-present and honor-price to the latter, and the woman who was brought in shall pay her honor-price; and a proportion equal to the marriage present shall be forfeited out of their own proper 'seds' to the woman in whose place she (*the new woman*) came, by right of the expulsion if she went away; and the marriage present which she brought shall be returned without suing, and if her suit be evaded, double shall be paid after the evasion."

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Is fiachach cach adaltrach do teit for cend cetmuintire; arrien log nenech na cetmuntire.

O'D. 306.

[.i. Ataat fech oga ar gaé mnai tet ar adaltrus for ceann a fir budein, .i. co fer eile.

Arreanur log neiniuch na cet muinntire, .i. is uair eirnither dana einechann ann da cet fer budein, .i. teora coibche beirius in cetmuinntir so, in coibche do rat in fer di ar tus, ocus in coibche rug in adultruch, ocus log einiuch on adultruch, ocus coibche on fiur o tucad arithi, cumut tri coibche famluid, ocus einechann.]

Mara cutruma coibche na mna tucad ann, ocus coibche a mna fein, .i. na cetmuintire, ira dilgi na coibche dirri, ocus enechann on mnai tucad ina ceann, ocus enechann on fir. Madga luga coibche na mna thucad ann, fuillead in fear fria co raib cutrumus a coibche fri ann, ocus enechann o cechtar de for. Mara mo coibche na mna thucad ann, bid a himarcraid aiccirium.

Cetmuintir co macaib, ocus cetmuintir cen macu, ocus adaltrach co macaib, ocus be cuitchetrnga, fri log i nenech tiaidait a riadnaisi a fear aitiriur, ocus fri trian loige enach a fer tiagait ina necnairc, ocus is se da trian loige i nenech som in rain; ocus do berat log a nenach in oin ocus a nairlicud, ocus a cundrad do forcraid a tocura cid a naigid cid a necnairc a fer. Ni tabrat imorro act trian loige enech a fer in oin, ocus a nairlicud, ocus a cundrad, muna be forcraid tothcura accaib, ocus do berat dno co ruice rocor no angbocht, do cind a carat a glar no frabrad.

Mad adaltrach cen macu imorro, is fri trian loigi enech a fir teit a neitiriur ina riadnaisi, ocus is fri da trian in trin sin ina necnairc; no ni teit i neitiriur fri ni etir ina ecnairc; ocus do beir da trian loige a hinech fein i noin ocus a nairlicud,

[1] *Property*, i.e. above that of the man.

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Every adultress is fineable who goes in the place of a first wife; she shall pay the honor-price of the first wife.

That is, there are full fines imposed upon every woman who goes in adultery in violation of her own husband, i.e to another man.

She shall pay the honor-price of the first wife, i.e. she shall fairly pay for it to her own first husband, i.e. this first wife shall thus obtain three 'coibche'-marriage presents, *viz.*, the 'coibche'-marriage present which the husband gave her at first, and the 'coibche'-marriage present given to the adultress, and honor-price from the adultress, and a 'coibche'-marriage present from the man who took her next, making thus three 'coibche'-marriage presents, and honor-price.

If the 'coibche'-marriage present of the woman who was brought in, and the 'coibche'-marriage present of his own wife, i.e. the first wife, are equal, these 'coibche'-marriage presents are forfeited to her (*the wife*), and honor-price *is due to her* from the woman who was brought in her place, and honor-price *also* from the husband. If the 'coibche'-marriage present of the woman who was brought in is smaller, the husband shall add to it until it is equal to her 'coibche'-marriage present, and both of them owe her honor-price also. If the 'coibche'-marriage present of the woman brought in is greater, she (*the first wife*) shall get the excess.

A first wife with sons, and a first wife without sons, and an adultress with sons, and the woman of equal rank, may go security in the presence of their husbands to *the amount of* their honor-price, and to *the amount of* the third of the honor-price of their husbands they go security in their absence, and that is the two-thirds of their *own* honor-price; and they may give *the amount of* their honor-price in loan and lending at interest, and they may contract unto the excess of their property[1] either in the presence or in the absence of their husbands. They shall not, however, give but (*more than*) the third of the honor-price of their husbands in loan, and lending at interest, and contract, unless they have excess of property, and they shall give *of it* till it comes *down* to great want or extreme poverty, in behalf of their friends in fetters and chains.

But if she (*the woman*) be an adultress without sons, she may go security only to *the amount of* the third of the honor-price of her man in his presence, and to the two-thirds of that third in his absence; or *according to others* she may not go security for anything at all in his absence; and she gives two-thirds of her own honor-price

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dia forcraid; no ni tabrat ni itir i noin ocus a nairlicad acht ni forcongair a cele di, ocus aicced frie; ocus do beir dno feired a fainchruid do cinn a carat a glar no a flabrad. Ocus do berat imorru a forcraid uile do gill dia cairdaib a glar no a flabrad, cid cetmuinterfa cid adaltrada.

Foruiditer in ben leth dam in fir, amail ber miad chele na mna.

Foruiditer, .i. foraigid in ben ar damrad leth daime in fir, .i. ir lebthiathad do beir doib mad co tarrand, ocus ni fuil comus for im menn na arbor di co ro lainbiathad daime a fir. Amail ber miad, .i. amail ber airmitiu no uairliatu fir na mna.

Gidbe tomus fo tigid na dama, da freib in fer ann, ir lan dam; muna raib ir leth dam; no dno cena, mar co tomus in fir tangadar na dama, ge beth gin co be in fer ann, ir lan dam; mar fo tomus na mna, ge beth gin co be in ben ann, ir leth dam.

Mad ben boairech foruidithter ocairig; mad ben airech dera, foruidithear boairig; mad ben airech tuiri, foruidithter airig ndera; mad ben airig aird, foruidither airig tuiri; mad ben airech forgill, foruidithter airig ard.

Mad ben boairech, .i. dir don ocairech ir ferr cu mnai in boairech ir ferr da forugad di for damrad. Mad ben airech dera, .i. trian for letdaim in airid dera. Airech tuiri, .i. ar in aire tuiri. Foruidithter, .i. cetrar ar let daim in airech tuiri. Ben airig aird, .i. ar in airig naird. Airig tuiri, .i. ar in airig tuiri, .i. cuicter. Airech forgill, .i. ar in airig naird freirar letdaim in airech forgill ir tairid.

Cach fothugud co hiardaige iar laine othrura cuile iar cainbiathad. Diathad cen airain neich cen

in loan, and in lending at interest, of her excess of property; or, *according to others*, she may not give anything in loan and in lending at interest except what her partner orders her, and implements of weaving; and she may give the sixth part of her own property for the sake of her friends *to ransom them* from fetters or chains. And they all, indeed, whether first wives or adultresses, may give all their excess of property as a pledge to *ransom* their friends from fetters or chains.

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The woman may entertain half *the number of* the company of the man, according to the dignity of the husband of the woman.

Entertain, i.e. the woman entertains at a party half the number which the man *entertains*, i.e. it is half food she gives them if with condiment, and she cannot get butter or corn until the man's parties are fully fed. According to the dignity, i.e. according to the respectability or nobility of the woman's husband.

Upon whatever invitation[a] the parties come, if the man be present, it is full company; if he is not, it is half company; or else if the parties have come upon the invitation[a] of the man, whether the man be or be not present, it is full company; if upon the invitation[a] of the woman, whether the woman be or be not present, it is half company.

[a] Ir. *Measure.*

If she is the wife of a 'bo-aire'-chief she may entertain an 'og-aire'-chief; if the wife of an 'aire-desa'-chief, she may entertain a 'bo-aire'-chief; if the wife of an 'aire-tuisi'-chief, she may entertain an 'aire-desa'-chief; if the wife of an 'aire-ard'-chief, she may entertain an 'aire-tuisi'-chief; if the wife of an 'aire-forgaill'-chief, she may entertain an 'aire-ard'-chief.

If she be the wife of a 'bo-aire'-chief, i.e. the best 'og-aire'-chief has two persons *when he comes on a coshering visit* to the wife of the best 'bo-aire'-chief to entertain them at a party. If the wife of an 'aire-desa'-chief, i.e. three persons constitute the half company of the 'aire-desa'-chief. Of an 'aire-tuisi'-chief, i.e. on the 'aire-tuisi'-chief. May entertain, i.e. four persons are the half company of the 'aire-tuisi'-chief. The wife of an 'aire-ard'-chief, i.e. on the 'aire-ard'-chief. An 'aire-tuisi'-chief, i.e. on the 'aire-tuisi'-chief, i.e. five men. Of an 'aire-forgaill'-chief, i.e. on the 'aire-ard'-chief six persons *constitute* the half party of the lowest 'aire-forgaill'-chief.

He who supports the last survivor of a family shall have his kitchen supplied after he has entertained

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daim dechta. Ni fuiben eneclann aran dar daim dechta, ar ni heitech do neoch mado daim dechta ciarto.

Cach fothugud, .i. ifri feo a doirsitin uair do berar don ti fodaidet na dama da ndirnad iarum, cusup iarum lan a cuile iar mbiadad neic eirti co taidnemaig, .i. ifri ada foirsitheo uair do berar don cach do beir in fodugud dia iarumdirdi, cusub lan a cuile iar cainbiadad neic eirt. Diathad cen airrain, .i. biathad na daithe dlegar dib can nech do dul uadaib ar ain for ain can biad. Cen daim dechta, .i. can a daim dligthig aice budein. Ni fuiben, .i. uair noco tabair fodiubad for nech im a eneclainn ce ro dechad nech uad ar ain for ain can biad, mad amlaid ber, ocus a daim dligid aice budein.

Ma fcarid, ocus bid imtocad leo, noch bid commaithi a folaid fri himfcarad doib, fodbi flan faeltoimilt cach dia failiu cen ecubus, co comtinucus fri himfcarad arnam derbarta. Cach naithgin feib fo brondtar, co nar, co lor, co ngert, co fuilliud. Cach taide, cach egean, cach foxal cen logud, cen aithce, cen digide, if cona dirri.

Ma fcarid, .i. mad fcarad do net in lanamain. Bid imtocad leo, .i. cusnab emdogaidhe leo fcarad do denum. Noch bid commaithi, .i. ocus cusa comait a faire in ni caitit do comloigthib. Saeltoimilt, .i. do biud ocus detad. Cach dia failiu, .i. in ni do beir cach dib da ceile. Cen ecubus, .i. cen drochcubus gaite do denamh doib im in ni bir ina comtinucad no co ndernat imfcar, .i. dia mbe ecubus, if aithgin co trofcud. Arnam derbarta, .i. co na fa derbdiubra nech dib a ceile. Cach naithgin, .i. cach naithgin dic fon febus fo caited hi, ocus adtudug icce uil ann, no if gait no igarugad. Co nar, .i. na codlann, .i. inorbairt na fet. Co lor, .i. na laig. Co ngert, .i. in lacht ocus in tuar. Co fuillius, .i. in dirri, no in diablad. Cach taide, .i. didceilt. Cach egean, .i. farraigthi a fiadnaisi. Cach

Sic.

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him. He who is without his lawful company should be entertained without refusal. When the company is above the lawful number refusal does not lessen one's honor-price, for one should not refuse if the lawful company has arrived.

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He who supports, i.e. this is the noble relief which is given to the person who entertains the companies to shelter them, *viz.*, that his kitchen is filled afterwards, after he has pleasantly entertained one out of it, i.e. it is the noble relief which is given to the person who gives support to the last survivor of a family, that his kitchen is filled after he entertains one out of it. Entertained without refusal, i.e. to entertain the company due of them without suffering one to go away fasting without food. Without his lawful company, i.e. who has not his own lawful company. Does not lessen, i.e. for it does not lower one as to his honor-price even though *he should suffer* one to go away from him fasting without food, if it be so, he himself retaining his lawful company.

If they (*a man and a woman*) separate, and that by mutual consent, and that their property be equally good at their separation, what they have consumed of each other's *property* without dishonesty is remitted, *together* with equal property at separation that there may be no fraud. Restitution *is to be given* for every thing as it was *when* consumed, with growth, increase, milk, and addition. Every thing stolen,* every *thing taken by* violence, every thing carried away without leave, permission, or entreaty, is *to be returned* with 'dire'-fine.

Ir. *Theft.*

If they separate, i.e. if the married couple separate. By mutual consent, i.e. when it is their choice to make a separation. Equally good, i.e. and that what they have consumed of the set off, be equally valuable. What they have consumed, i.e. of food and raiment. Of each other's *property*, i.e. what each of them gives the other. Without dishonesty, i.e. without the bad intention of stealing what is common property until they separate, i.e. should they have had the evil design, there is restitution with fasting *to be made*. That there may be no fraud, i.e. that one of them may not defraud the other. Restitution, i.e. every restitution is to be paid in as good a condition as the thing that was used; and there is condition of payment in the case, or (*i.e. otherwise*) it is theft or violation. With growth, i.e. the growth of the *original* bodies, i.e. the increase of the 'seds.' With increase, i.e. the calves. Milk i.e. the milk and the manure. With addition, i.e. the 'dire'-fine, or the double. Every thing stolen, i.e. *every act* of concealment. Every *thing taken by* violence, i.e. *every act* of violence in the presence *of the owner*. Every

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'Cain Lanamhna,' or Law of Social Connexions.

foxal, .i. trentaide, cid a naigid cid a necmair, .i. dichmairc. Cen log-ud, .i, in ti o fucad and, .i. on mnai. Cen aithce, .i. comaine do-Cen digide, .i. cen dedguide o briathraib. Ir co na dirt, .i. ir co na lan dire, .i. log nenech airceth no icfaith cach ni berait tre ernail dib fein.

Leth lamtorad do mnai, amail ir fubrad ir in lanamnar tairech ir fubartmar; leithtrian a mblicht, cor na dib cobdailaib tairechaib itir tir, ocus bu, ocus lestraib, ocus fognamadaib.

Leth lamtorait, .i. a leat don mnai in torait do dena ot laim o biar ina etach urlum, no ina lanéorait trite. Amail ir fubrad, .i. amail fo fairgemar fomainn. Rubartmar, .i. fo fairgemar fomainn. Leithtrian, .i. let trin in lacta, feiged loineda do mar-denaid, ocus mardenaid cach ben a leit re lacht. Cor na dib cobdailaib, .i. cus in coibdeiliugad tairgé aorubrumar fomainn. Itir tir, ocus bu, .i. in cuit ir coir do cacha indib fein. Fognamadaib, .i. in cuit ir coir do urgnam.

Nomad a indud, ocus a arbim, ocus a faill mad mardentaig; ir miach di cacha mir ara bi co ceand mbliadna, .i. cus na bellanaib brda nerom; ar mu biad i naimrir imrarta irgarad.

A indud, .i. a hinnad in fir. Ocus a arbim, .i. ocus becdentaid iri annfaidbeic. A faill, .i. muc innuda coitchind nomaid, ocus meadair for inannur tir. Ir miach, .i. miad flige no miach mirben, .i. ir miad di crobe mi cu forcenn na bliadna a fir bid etarfarad etuidiu imad, ar .ui.ed no ar nomad fein; no cumad miad flighed do ban dedaid arait; no ir miach co fo feiged, ocus ir fir ifeon. Cus na bellanaib, .i. uair ir ann bu doig imrar doib. Brda nerom, .i. fir bir a compocus doib. I naimrir imrarta, .i. ir in re fudain a netarfarad a nimrar.

Lanamnar fir for bantidnacus; ira fuidiu teit fer i nuidiu mna, ocus ben a nuidiu fir. Mad fer fognama,

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thing carried away i.e. every secret carrying off by force, whether in the presence or in the absence *of the owner*, i.e. *without* asking. Without leave, i.e. *without asking leave* of the person from whom it was taken, i.e. of the woman. Permission, i.e. being asked by him. Without entreaty, i.e. without proper entreaty in words. *To be returned* with 'dire'-fine, i.e. it is with full 'dire'-fine, i.e. honor-price, every thing that is carried off in any of these ways shall be returned or paid.

'CAIN LANAMHNA,' OR LAW OF SOCIAL CONNEXIONS.

Half the produce of the hand *is due* to a woman, as has been said in *the case of* the connexion which we first mentioned; *also* half one-third of the milk, with the two first divisions between *the owners of* land, and kine, and vessels, and *those who perform* services.

Half the produce of the hand, i.e. half the produce effected by the hand *is due* to the woman when it is prepared cloth or manufactured thread. As has been said, i.e. as we have said before. Which we *first* mentioned, i.e. which we have mentioned before. Half one-third, i.e. half one-third of the milk, *or* one-sixth of the produce of the churn,[a] *is due* to the great worker, and every woman is a great worker with respect to milk. With the two divisions, i.e. with the first distribution which we have said before. Between *the owners of* land, and kine, i.e. the share which is by right due to each of these. Services, i.e. the share which is by right due to *those who perform* service (*work or attendance*).

[a] Ir. *Churn-stick.*

One-ninth of his (*the man's*) increase, and of his corn, and of his bacon *is due to the woman* if she be a great worker; she has a sack every month she is *with him* to the end of a year, i.e. to the next May-days, for this is mostly the time in which they make their separation.

Of his increase, i.e. of the increase *of the cattle* of the man. And of his corn, i.e. and she (*the woman*) is a small worker in this particular. Of his bacon, i.e. of the general increase of swine she has one-ninth, and what is in the same manner fattened on the land. A sack, i.e. a sack for the way or a sack of partition, i.e. she has a sack for every month to the end of the year in which the separation takes place between them, and this is as the sixth or the ninth; or it is a sack for the way which is due to a woman-stranger; or it is a sack *that is given every month* until it comes to one-sixth, and this is the truth. To the *next* May-days, i.e. because they are then likely to separate. The next, i.e. that are the very next to them. The time in which they make their separation, i.e., it is at that particular time they make their separation.

As to the connexion of a man *supported* on the property of the woman; in this *case* the man goes in the place of the woman, and the woman in the place of the man. If he be a man of service, he shall have the ninth

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'Cain Lanamhna,' or Law of Social Connexions.

is nomad a harbim don fir, ocus don fraill, mad ceand comairle cuindrig muintire fri comairle comnirt.

Lanamnas fir, .i. in fer bis i noliged lanamnais for in tincus mbanda. Ira fuidiu, .i. is don iadaisin teit in feas is in oliged a roib in ben tuas. I nuidiu, .i. i nimad. Ben a nuidiu fir, .i. in ben is in oliged a roibe in fer cutrafta. Mad fer fognama, .i. mad he in fer do ne in fognum imbid for bantincas. A harbim .i. ocus aradad ais uil aice ocus let fridnama, ocus nomad do as cad ni dib cona da nomad, ocus teit ino co ruice a lech. Don fraill, .i. as liafrad, .i. muc innuda coitcinne nomaid sin. Mad ceand comairle, .i. mad cenn bus comut mas comairle a caindirud na muintire frir in caem airle taitneamad sin, .i. im aradain ocus im let fridnam na trebaire aice in uair ata sain.

.i. Aradu ocus leith frichnad na trebaire fuil eice ann. Ocus trian trin fidgnama ruc fer aicdig ro bai ac an mnai ina aidaig ac denam frithgnama, ocus da nomad eicsium and; ocus teit ben ina gnimrad, gu mberinn nomad dib uad. Ocus ni leisium dir na fil and sin.

Fer for ban tidnacar nomad a hindiud, ocus a harbaim, ocus a fraill berer dia ndena gnimrad, ocus is ceand comairle. Sechtmod trin frithgnama do ar gnimrad. Manab ceann comairle fechtmad ocus trian in fechtmad do. Mad ceann comairle nama, cen gnimrad ocus arisa, .vii. mad ocus trian in fechtmaid. Nomad in fuilid dia no tech. Mad dno cen gnimrad, ocus ni ba ceann comairle, leth in fechtmaig ar gabail lama nama.

Ocus na ceithesra cota beres in ben a holaind in fir, is nomad cad cota dib sin beres in fer on mnai, ocus nomad feisid lainida do a lact. Berid na cuic nomada fa cid ceann comairle gin cob cend.

Leth trian do blicht confoglaigthes in tri; leth do lesrad, a leth naill da trian a fuidiu don fir; nomad a lamtorad fri himfarad doib. Mad imtucu doib farad is amne a farad.

[1] *Without work.* The text appears to be defective here; cen gnimrad ocus da, is the reading of H. 2.15; but over the word da, a later hand has written arir with a view to make arisa, which is the reading of H. 3.17, col. 240. The meaning of the passage is very obscure.

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part of her corn and of the bacon, if he be a head of counsel directing the family with strong advice.

'CAIN LANAMHNA,' OR LAW OF SOCIAL CONNEXIONS.

The connexion of a man, i.e. the man who is in the law of connexion upon the property of the woman. In this, i.e. in this particular case the man becomes subject to the law to which the woman was *subject* above. In the place, i.e. in the situation. The woman in the place of the man, i.e. the woman is subject to the law to which the man was *subject* hitherto. If he be a man of service, i.e. if it be the man who is supported upon the woman's property, who does the service. Of her corn, i.e. he is bound to do the ploughing and half the service, for each of which he is entitled to one-ninth, and it may be two-ninths, and he may participate in it to the extent of one-half. Of the bacon, i.e. for his herding, i.e. that ninth is of the general swine increase. If he be a head of counsel, i.e. if he be a head that is useful for *giving* advice in guiding the family with his gentle agreeable counsel, i.e. he has the ploughing and half the service of the husbandry *to attend to* when this is the case.

That is, he has the ploughing *utensils* and half the *amount due for* service of the husbandry in this case. And the third of one-third of *the amount due for* service was obtained by a workman whom the woman had *employed* against him to do service, and he had two-ninths then; and the woman participates in her own work, and so carries one of the ninths from him. In this case neither the land nor the seed is his.

A man *supported* upon the woman's property gets the ninth of her *cattle*-increase, and of her corn, and of her bacon, if he performs work, and is a head of counsel. One-seventh of a third of *the cattle-increase* is due to him for work. If he is not a head of counsel he gets a seventh and a third of the seventh. If he is a head of counsel only, without work[1] *he gets* a seventh and one third of a seventh. The ninth of the whole if in her house. If, however, he does not work, and is not a head of counsel, *he gets* half the seventh for 'hand seizure' alone.

And *of* the four shares which the woman obtains of the man's wool, it is one-ninth of each share of them *which* the man obtains from the woman, and one-ninth of the sixth of the produce of the churn[a] *goes* to him *as his portion* of the milk. He gets these five-ninths whether he be a head of counsel or not a head *of counsel.*

[a] Ir. *Churn-stick.*

Half one-third of the milk is divided into three *parts;* one-half *is due* to *owners of* the vessels, two-thirds of the other half to the man; one-ninth of the produce of her hand *to the woman* at their separation. If they choose to separate it is thus they separate.

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Leth trian, .i. leth trin in laecta, feisedh loinedha do marbdentaibh, ocus marbdentaidh cach ben uile a leith re laecht. Confoglaigther, .i. is cain fodeilgter eiseic a tri rannaib cen cob act tri. Leth do leghtai, .i. leth in feisid uile do minleghtha ocus do marleghtha. A leth naill, .i. a leth aile, in aile dec aile. Da trian, .i. da trian is in niadaisin isin aile dec don fir, .i. ochtmad rann dec fiche, ocus a trian do buaidhillib, in feisid rann trichat. Nomad a lamtoraibh, .i. amail na fuair in ben aicsium ni i nderbad acht in da nomadh don arbur, cona dechradhom eicsi acht in da nomad; no cena is bail ita trian ar cirtha arbul lom ban aicoig fo bi aicsium ina aigidium co ruc nomadh uaithsium, ocus da nomad eicsi annsaide; ocus dul dorum ina gnimrad co mbeisrann nomad dib uaithe. Mad imtacu, .i. mad emtogaide leo fcaradh do denum. Is amne a fcaradh, .i. is amlaidh sin fcarait.

.i. In bail ata trian ar cirtha arbulum, da trian gnima fir aicsim, ocus teit in da nomadaib dib, co mbeisenn in dara nomad, ocus in tres nomad aicsi don triun cen dul dorum ind; uair tri nomaid bis isin triun, ocus in da trian a gnimaibh teit sium.

Mad aile da lina ber anfoltach, is dilis cuit usgnuma in misoltach don toroltach. Mad cetmuinter, is dilesr uile don ti bis ina mamaib techtaib, nad beir araile cuit a tir, na bunad cethra; acht fcaraid amail condrecat; in da beir cach lair curanaile, a marathar de isfed beres lair fri himfcarad, na aithgin dia torad muna marathar; acht is fer do ranar a hinchaib na mna mad le in tochur uile, inge mad foroltachu in fer oldar in ben, no mad caidiu, no mad faifne, no mad airmidnechu.

Mad aile, .i. mad nectar de in da naimat sin ber droch-foltach. Is dilis cuit usgnuma, .i. dilsi a cotach sriunatha on adaltraig ina cet fogail lain. Mad cetmuinter, .i. dilsi a cotach tise, ocus bunaid, ocus sriunama on cetmuintir ina cet fogail lain. Is dilesr uile, .i. innud uile. Don ti bis ina mamaib techtaib, .i. don ti bis ina

Half one-third, i.e. half one-third of the milk, *or* one-sixth of the produce of the churn is due to a great worker, and every woman is a great worker with respect to milk. Is divided, i.e. it is fairly divided into three parts, but only three parts. One-half to *the owners of* vessels, i.e. half the sixth is due to *the owners of* small vessels and of large vessels. Of the other half-*sixth*, i.e. its other half, *or* the other one-twelfth. Two-thirds, i.e. two-thirds of the other twelfth is due to the man, i.e. that is the one-eighteenth, and one-third of it (*the other twelfth*) to the shepherds, i.e. one-thirty-sixth. One-ninth of the produce of her hand, i.e. as the woman did not get from him anything but two-ninths of the corn, so likewise he does not get *anything* from her except two-ninths; or else where she has against him one-third for woman's work of the rough carding until he took one-ninth from her, and then she had two-ninths; and he then goes into *the calculation of* his work and bears off another third from her. If they choose *to separate*, i.e. if they choose to make the separation. It is thus they separate, i.e. it is after this manner they separate.

That is, where there is one-third due for rough combing, she has two-thirds of the work of the man, and he gets two-ninths of them, so that she has the second ninth, and the third ninth of the third, without his *share* going into it; for there are three-ninths in the third, and he goes into two-thirds of her work.

If either of the two parties be unqualified, the service of the unqualified party is forfeited to the qualified. If it be *the case of* a first wife, it (*the amount due for service*) is all forfeited to the person who is lawfully married to her, so that she does not obtain any share in the land, or in the original stock of cattle; but they separate as they met; *as to* whatever each has brought with him to the other, *he* carries off what lives of it at *the time of* the separation, or an equivalent of its produce if it is not living; but the man's *share* is estimated by the honor-price of the woman if all the property be hers, unless the man is more qualified than the woman, or more respectable, or more noble, or more venerable.

If either *of the two*, i.e. if either of these two parties be unqualified. The service is forfeited, i.e. her part of the service is forfeited by the adultress for her first full crime. If it be *the case of* a first wife, i.e. her share of the land, and stock, and service is forfeited by the first wife for her first full crime. It is all forfeited, i.e. all the increase. To the person who is lawfully married

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mdamud, no ina greim dligted, ir dilegh na neicé grin. Acht fcarait, .i. act fcarad amail comraicit, .i. in bunad tuc le o tig irred begiur le i naimrir imrcair, uair da rocair a cuitig tire, ocus grichama don indud uaidi don fir ina fogail. Da beir each, .i. in ni do beir cach leir dib do cum a ceile. A marathar de, .i. in ni mairir de. Ired begeg, .i. irred begeg leir in tan do niat imrcar, .i. ma ro fitea na feoit tuc fri le amuig, ma mairid a fola, a brith dire le, a bred airrriu; no dno, aithgin aneic, .i. ocus acfugad ice uil ann, ocus indud na fet fucad ir in fogail ir iat do begar ir in cinaid annrin; no dno, aithgin neic tuccrai le cid o chuaid amuig do breith le dia cuit induit &c.

O'D. 308.

[Cutruma na haitgina don chuit ro foich dinnud ired beirriur, munab ina cinuid. Inti bir ina dligeb begthur. A trocuire inro; a etrocuire imurro, ni beir ni itir.

Ma a cinuid inti bir ina dligeb begtur, ocus ni daim dligeb uime, ir cutruma na haithgina dic uad, ce bet innud ann cen co be.]

Acht ir fer do ranar, .i. ata act liam ann conad tualgur einig na mna eirnitir eneclann don fir ir ann fo on, .i. ni da cruid bunaid tucad don fir for acfugad, ocus airier aice, ocus in ni ro bui in bunad fucad uaithe a tabairt di do indud a cruid budein, uair do rochair a cuitig bunaid uaithe don innud, ocus a cuitig tire, ocus grichama. In tothchur, .i. indille. Mad forfoltachu, .i. im tothchur tire ocus indille, .i. im innracur ocus im iona. Mad caidiu, .i. im inoracur .i. a ngrad, .i. im leigend, no im filigedt. Mad fairre, .i. a ceneol. Mad airmidnechu, .i. im fuithin nairecta, .i. irin grad fain.

Lanamnar fir tathigthe cen tarigud, cen urgnam; cuiced a lamtorad cuit in fir, .i. in chele fri himfcarad doib, arur enachruice dorum furieri inrain, cia forruartar fria, ired arriartar do de, ocus ata a cuitre i fuide.

[1] *Upon condition.* In O'D. 308, nearly the same words occur: "In this case she gave a part of her original cattle to the man on condition, and they remain with him, and there was not as much of the increase of her own cattle as amounted to the value of the stock obtained from her to be given to her, for she forfeited her share of the increase, and of the land, and of the *amount due for* service.

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to her, i.e. to the person who is joined to her or united to her in lawful bond, these things are forfeited. But they separate, i.e. but they part as they came together, i.e. the original stock which she brought with her from her house is what she carries off with her at the time of the separation, for her share of the land and original stock, and *the amount* of the increase *of cattle due for* service, and fell away from her to the man *in punishment* for her first *full* crime. What each has brought *with him*, i.e. the thing which the one brings with him to the other. What lives of it, i.e. the part which lives. He carries off, i.e. it is what he carries off with him when they make the separation, i.e. if the 'seds' which she brought with her be found, if her property *in cattle* be living, she carries them with her, she carries them off; or, *according to others*, *she gets* an equivalent of their produce, i.e. there is a stipulation for payment in this case, and the increase of the 'seds' which was forfeited for the crime goes to pay for the responsibility in this case; or, *according to others*, she gets restitution of the property which she brought with her on going away, out of her share of the increase.—S. D.

She gets an equivalent of the restitution out of the part of the increase which should come to her, unless *it goes* in her responsibility. *If it does*, the person who is legally wedded to him[a] gets it. This is the leniency of it; the severity is that she gets nothing at all.

[a] Ir. *In his law.*

If it be given to satisfy the responsibility of the person who is legally married to her,[a] and that he does not yield law respecting it, he must give an equivalent for the restitution, whether there be increase or not.

[a] Ir. *In her law.*

But the man's *share* is estimated, i.e. I make a condition that it is from the price of honor of the woman that the honor-price of the man is paid in this case, i.e. she had given a part of her original cattle here to the man upon condition,[1] and it remains with him, and there was not as much of the increase of her own cattle remaining to be given to her as was worth the cattle obtained from her, for she had forfeited her original share of the increase, and her share of the land, and of the *amount due for* service. The property, i.e. cattle. More qualified, i.e. with respect to property in land and cattle, i.e. *or* in worthiness and integrity. More respectable, i.e. as to worthiness, i.e. in dignity, i.e. in learning, or in poetry. More noble, i.e. of family. More venerable, i.e. for his splendour at the assembly, i.e. in that dignity.

As to the connexion of a frequenting man without acquired property, without service: the fifth of the produce of the hand is the share of the man, i.e. of the partner at their separation, for it is the price of blushing that is due to him for her then, if anyone has quarrelled with her (*i.e. violated or insulted her*), this is what he pays for it, and his (*the man's*) share is *included* in this.

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O'D. 309.

Lanamnas, .i. in ben cus a nadaigenn in fer do denum lanamnais [f] fria, in dairtiud [.i. urail uirre a tig charut], ocus ni tabar feit ar a urail. .i. ben cuis ocus urnaoma cumdeiten tadaigti in fir cuice, no cairtiud. Cen tairgud, .i. amuith. Cen urgnam, .i. tall, .i. cen uara fognum im duitig frithama. Cuicid a lamtorad, .i. cuicid in torad do ni da laim irred ata on cairtiudaig don fir in tan do niat imrar, .i. cuicid cota fir dligtig, no cuicid caca roind[e] ro fedi frithnam; [cethramde ar in lamtorad, .i. or denta a let do ned, a let naill dno dia fir fein, ocus don fir, ar ata tir rand inde etarru deigi in cetrame cedtar de S. D.] Cuit in fir, .i. in cutruma no biad do o mnai budein do lamtorad, .i. cuicid do on dairtiudaig. Arus enachruice, .i. ar lan no ar trian doram ina dairtiudaig. Cia forruartar, .i. crobed drir ruadtain fogla do nedar ria. Ired arristar, .i. irred eirnitir do don fir di don dinaid, .i. cuicid in fedtmaid, no dno ir trian fir fola .f.d. Ata a cuitre, .i. let no cetrumta, .i. ata a cuitri irin ni ata airin, uair do alla in cetramtu fuil tiri a fogail lain ristum a nellad in trin fuil doram a fogail lain do denam riari. *Sic.*

Lanamnas airitan for urail; cethruman a lamtorad don fir a fuidiu; mad co cethraib for tir, confoglad fo cuit tiri ocus urgnama ocus bunaid cethra do each beraat.

[1] *To the man.* The MS. seems defective here.

[2] *The fourth.* The Irish of this clause, which is in brackets, is on the top margin of the 1st col. of the MS., H. 2.15, p. 59.

[3] *From his own wife.* In O'D. 309, there is the following brief commentary on this article, which helps to lessen its obscurity:—

.i. In ben cus a naithiguinn in fer do denum lanamnuis ria, .i. bean chuis ocus urnaoma, conde tintaithes in fir cuicde; no in cairtiud, .i. urail uirre a tig charut, ocus ni tabuis feoit ar a hurail. In tainmrainne dligius ben dligthid do ealad in fir cutrumus a cethrumun don airrig, ocus a cuicced don cairtiud.

.i. ina tig fein bis in bean so, ocus is prim bean beos; cuiced ar a lamtorud, .i. cuicid leti a lamtorud di ar a les do denum in airrige do gres; ocus is co naititin fein so.

In coimpert do dentus is altrum, ocus a cin fos in fer; ocus o mis amad is comaltrum fos fine, ocus coimic in cinuid, dia mbed i naititin in foxuil.

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Connexion *of a frequenting man*, i.e. the woman to whom a man habitually comes to cohabit with her, *or* the 'carrthach'-woman, i.e. who is seduced in the house of a friend, and *in whose case* no 'seds' are given for the seduction, i.e. a woman of compact and covenant with cognizance of the man usually visiting her, or a 'carrthach'-woman. Without acquired property, i.e. outside. Without service, i.e. within, i.e. without the noble service, as far as his share of service. The fifth of the produce of the hand, i.e. the fifth of the produce which she produces with her hand is what is due of the 'carrthach'-woman to the man when they make the separation, i.e. the fifth part of the share of the lawful man, or the fifth of every division due to service; one-fourth out of the produce of the hand, i.e. when the half is performed by her, the other half by her own man, and for the man[1], for the land is divided into two parts between them after each gets the fourth.[2]—S. D. The share of the man, i.e. whatever be the share which he would get from his own wife[3] of the produce of her hand, i.e. he gets the fifth of that from his 'carrthach'-woman. For it is the price of blushing, i.e. in full or to one-third due to him for his 'carrthach'-woman Has quarrelled with her, i.e. whatever real attack is made upon her to injure *her*. This is what he pays, i.e. this is what is paid by the man to her for the crime, i.e. the fifth of the seventh, or the third by a man of blood.[4]—S.D. His share is *in this*, i.e. half the fourth, i.e. his share is *included* in this particular, for the fourth which is due to her for a full injury done to him is taken off in consideration of the third which is due to him for a full injury done to her.

As to the connexion of support *to be* at *the man's* will; the fourth of the produce of her hand is due to the man in this case; if he has cattle upon land, they divide according to the share of the land and service and original stock of cattle possessed by each.

"The woman whom the man habitually visits to cohabit with her, is a woman of compact and covenant, with the cognizance that the man visits her; or a 'carrthach'-woman i.e. who was seduced in the house of a friend, and *in whose case* no 'seds' are given for the seduction. The fourth part of proportion of the cattle of the man to which the lawful wife is entitled is the complement due to the 'airech'-woman, and the fifth to the 'carrthach'-woman.

"That is, this woman lives in her own house, and she is a chief woman moreover; *she is entitled to* one-fifth of the produce of her hand, i.e. one-fifth of half her hand produce is always due to the 'airech'-woman for doing her duty; and this too is with cognizance.

"The offspring of this cohabitation (*i.e. the case of abduction*), shall be fostered, and the man shall bear its liabilities; and from a month out the tribe shall equally sustain the fosterage, and equally pay for the liabilities, if they had been cognizant of the abduction."

[4] *A man of blood.* If the word ꝼola in the original be taken as a clerical error for ꝼogla, the meaning would be, "a third for real injury."

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'Cain Lanamhna,' or Law of Social Connexions.

Lanamnas airitan, .i. forech, .i. in ben bis ac in fir a ndligeð lanamnais, airitnider ar a urail, in airig, ocus feoit beras for a urail. Cethruman a lamtoraid, .i. cethruma cota fir dligtig, no cethruma cacha rainne ro feid fridnam, .i. in cutruma uil do a lamtorad a mna buden a cethruma do on charrtaig no airig, .i. in tainmrainne dligther ben dligtech do helaadain in fir, cutrumur a cetramthan don airig, ocus a cuiced don charrthaig. A ruidiu, .i. on airig. Mad co cethraib, .i. mada roib cetra aice for in tir, .i. do tabairt ar urail anund. Confoglad, .i. is cain fodeilgit etrurru he fon cuit dlegait don ferann. Urgnama, .i. in cuit dlegait don uagal fognam. Bunaid cethra, .i. in cuit dlegait na cetra bunad. Do cach berad, .i. ocus primben isi annraide.

In cutruma biad don fir do lamda a prim mna, co raba a cuiced ber do do lamda a cartaige, no a cethruma do lamda a airige, ocus nocon uil ni do do lamda a dornmaine, nach a be nimruma, uair ar a urail fein bir a charrtach ocus a airach, ocus noco nead bir a dornmaine nach a be nimruma. Ised fo dera conad mo do lamda a airige do inna do lamda a charrtaige, feoit do bein ar urail na hairige, ocus noco tabair ar urail na carrtaige; ocus leitheinechanna a athar a coibci cacha mna dib rain, ocus is cutruma bererom do dibad ocus do cinaid cacha mna dibrain, ocus do dibad ocus do cinaid a prim mna cenmota a be nindlir; ocus noco berenn ni da dibad raige na da chinaid, uair ata nech aili fo cinaid; ocus a atitin a prim mna ocus a fine ata cach ben dib rain aicce cenmota in be nindlir; ocus a aititin a fir ata raide.

Lanamnus foxail ocus lanamnas taide, ni techtad ni do chomraind fri himrcarad do beodil na marbdil, acht comperta. Cia do rata ben bir for foxal ar a fine ni dia chele fodacorle, is indilir o fine, ocus is am-

[1] *The fifth to the 'carrthach'-woman.* The Irish of this clause is taken from the margin of the MS.

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Connexion of support, i.e. the woman who is with a man subject to the law of connexion, and who is supported *to be* at his will, i.e. the 'airech'-woman, and 'seds' are given for his order (*to have her at his will*). The fourth of the produce of her hand, i.e. the fourth of the share of a lawful husband, or the fourth of every division due to *those who perform* service, i.e. the fourth of the share which he gets of the produce of the hand of his own wife is due to him from the 'carrthach'-woman, or the 'airech'-woman, i.e. the fourth of that part of the produce of the man's art to which his lawful wife is entitled, is what is due to the 'airech'-woman, and the fifth to the 'carrthach'-woman.[1] In this case, i.e. from the 'airech'-woman. If he has cattle, i.e. if he has cattle on the land, i.e. to give them out for command (*for having at his command*). They divide, i.e. they fairly divide it (*the produce*) between them, according to the share of the land they are *respectively* entitled to. Service, i.e. the share of the noble service to which they are entitled. Original stock of cattle, i.e. the share to which the original cattle are entitled. Possessed by each, i.e. and she is a principal woman in this case.

Whatever proportion of the produce of the hand of his chief wife is due to the man, it is the fifth of the same that is due to him of the produce of the hand of his 'carrthach'-woman, or the fourth of the produce of the hand of his 'airech'-woman, but he has nothing of the produce of the hand of his 'dormaine'-woman, or of his 'imrim'-woman, for his 'carrthach'-woman and his 'airech'-woman are at his own command, and not so are his 'dormaine'-woman nor his 'imrim'-woman. The reason that he gets more of the produce of the hand of his 'airech'-woman than of the produce of the hand of his 'carrthach'-woman is, because he gives 'seds' for the command of the 'airech'-woman, and he does not for the command of his 'carrthach'-woman; and half of the honor-price of her father *is given* as the 'coibche'-marriage present of each woman of these, and he (*the man*) obtains an equal proportion of the bequest and liability of each woman of these, and of the bequest and liability of his chief woman except his 'indlis'-woman; but he obtains no part of her legacy and *bears no part* of her liability, for another person is under (*answerable for*) her liability; and by the cognizance of his chief woman and of his tribe he has all these women except the 'indlis'-woman; and he has her by the consent of her husband.

In the connexion of abduction and the connexion of secrecy, they (*the man and woman*) ought not to divide anything of live chattels or dead chattels at their separation, except the offspring. If the woman who has been carried off from her tribe by abduction has given aught to the husband who has abducted her, it is unlawful *to withhold it* from the tribe, and it shall be restored

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laid tairic co leithdire arrenar, mad na mna an do frata. Ma beith cuit and do nach aile, is co na landire arrenar. Ar imta lanamnar tothla i taide.

Lanamnus foxail, .i. in ben berar ar foxal do denum lanamnair fria, .i. in ben fuataig. Lanamnar taide, .i. in ben firi ndentar lanamnar a taidi, .i. cen fir dia fine. Ni techtad, .i. noco tectat ni do cum a roinn in tan do niat imrar, .i. uair ni bi accaib ni comraindit. Acht comperta, .i. act ani comairberthaigter uaitib alterum, a clainde, .i. tectait imurro a comperta. Cia do frata ben ni, .i. cidbeo do bera in ben berair ar foxal amaé don ti beriur amaé hi a nécmair a fine. Dia chele, .i. ni dia cruth don fir foxlar amaé hi. Co leithdire, .i. co let dire eirnitter don fine ina fetaibri, .i. is aire ictair in letdire funn a feotu na mna uair ni hurnaidm dligted, ocus is aire na hicannfum lan, amail na icfad is na fetu no berad o caéa memor cena, uair is dodi iarfodaig fomaine do bit etarru fum. Mad na mna, .i. mad leis in mnai in ni do bera, is ann ata fin. Ma beith cuit and, .i. ma da raib cuit do neoc aile is na fetaib do berat na mna amaé. Is cona landire, .i. is landire eirnitter don fine ina fetaib budein. Ar imta, .i. is amlaid fin ata in lanamnur taide do nitter a toechlog, .i. is inann im dire, ocus im comroinn, ocus im comperta.

O'D. 310. [Co leth dire isreanur ma na mna an do frata.

.i. Co letdire eirnitther don fine ina fetuibri; ma les in mnai ini do bera is ann ata fin.

Incheacha ar mac ca[r]thaige in let dire do bet don mnai ina fetuibri budein cuna tidnucal da fir da deoin; cona ed ar coir ann, is co let dire arreanur, .i. ar cur ini ata don dara let, re dire ocus re heiniclunn eirnithur ann, .i. aithgin; damad les in fine na feoit imurro, ro bud cubaid dire do bet doib ina fetuib. Is aire ictar let dire funn i feotu na mna, uair ni hurnaidm dligtud, ocus is aire na hicunn ro in lan, amuil no icfad is na fetuib no berad ac in meamur cheana, uair is dochu iartuide fomuineach do bet etarrurom.

[1] *Imperative.* The word 'comairberthaigter,' which is here freely translated, appears to be used in a double sense, meaning both 'which is produced' and 'which is enjoined by law.' In the former sense the word is used at page 404, third line from bottom; in the latter sense, it is employed in O'D. 540.

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and paid for with half 'dire'-fine, if it belong to the woman who gave it. If another had a share in it, it shall be paid for with full 'dire'-fine. *The case of* the connexion of secret elopement is similar.

Connexion of abduction, i.e. the woman who is carried off by abduction to cohabit with her, i.e. the abducted woman. Connexion of secrecy, i.e. the woman who is cohabited with in secret, i.e. without the knowledge of her tribe. They ought not *to divide* i.e. they possess nothing to divide when they make the separation, i.e. because they have nothing to divide. Except the offspring, i.e. except the thing which springs from them, *and* which it is equally imperative[1] on them to foster, *i.e.* their children, i.e. they possess their offspring however. If the woman has given aught, i.e. whatever the woman who is carried off by abduction shall give to the man who carries her off in the absence of her tribe. To the husband, i.e. some of her cattle to the man who carries her off. With half 'dire'-fine, i.e. these 'seds' shall be paid to the tribe with half 'dire'-fine, i.e. the reason that this half 'dire'-fine is paid here for the 'seds' of the woman is because the marriage is not lawful, and the reason that she does not pay full '*dire*'-*fine*, as would be paid for the 'seds' carried off from members *of the tribe* in general, is because there is more likelihood of profitable survivors being between them. If it belong to the woman, i.e. if the woman owns what she gives, it is then this is so. If *another* had a share in it, i.e. if another had a share in the 'seds' which the women carry out. With full 'dire'-fine, i.e. it is full 'dire'-fine that shall be paid to the tribe for their own 'seds.' Is similar, i.e. *the case of* connexion of secrecy which is made by elopement is similar, i.e. it is the same as regards the 'dire'-fine, and distribution, and offspring.

It shall be paid for with half 'dire'-fine if it belong to the woman who gave it.

That is, these 'seds' shall be paid for to the tribe, with half 'dire'-fine; this is the case if the woman *herself* owns what she gives.

It would be a plundering of the son of a 'carrthach'-woman that *full* half 'dire'-fine should be paid by the woman for her own 'seds' which she delivered to her husband of her free will; and therefore what is right in this case is, that payment be made with half 'dire'-fine, i.e. in the other case (*where the woman takes cattle not her own, or all her own*) payment is to be made with 'dire'-fine and honor-price, i.e. restitution *should be made*; if the 'seds' belong to the tribe, however, it would be meet that they should get *full* 'dire'-fine for their 'seds.' The reason that half 'dire'-fine is paid here for the 'seds' of the woman, is because the marriage is not lawful, and the reason that she does not pay the full 'dire'-fine, as she would for the 'seds' carried off from the members *of the tribe* generally, is, because it is probable that profitable survivors may be between them.

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Mar ingean graid feine co mac graid feine, no ingean graid flatha co mac graid flatha, no ingean graid flatha co mac graid feine, trian tinoil aicesre ocus da trian ag in fir.

Mar ingean graid feine imurro co mac graid flatha, da trian tineoil uaithe dorum, ocus trian tinoil o mac graid flatha, ocus coimimdenam a fealba doib. Ocus ir ar gabur erec con aitirin for techt muige ocus tige, ocus ar fogni teach do muig; ocus fena in fir do mnai marra comdligthuch iat ocus marra comindligthuch, no marra dligtech in bean; uair dligeb ceanndachta uil etarrud, ocus ce airmid dlig ceanndachta ac on fir ar a ferrdacht no ar a foruairle, nocha moaide fo fria imdenum do ar in mnai ce bet amluid frin, uair ir cunnrud fil etarrud.]

Lanamnar eicne no fleithe ni techtat ba acht comperta; ocus arrenar lan eraic in ingin macdacht, ocus im macaillig na diulta cailli, ocus i cetmuintir; leith eraic mad adaltracha; cen frithigide in fo uile, co lan log einech ber fruithem for, do be do neoch dia mbi faindileap.

Lanamnar eicne, .i. do nitir ar eicin, .i. ben forcuir. No fleithe, .i. in ben thleithi. Ni techtat, .i. noco tecctann tarba in fear de. Acht comperta, .i. act altram in neich comairbertnaigter uad. Arrenar, .i. ir uair eirmitir lan neneclainni don ingin ac ata in tiacht maicne ina fleit, no ina farugad, .i. na teora cumala no

[1] *Second stage of life*; i.e. from the age of seven to fifteen years—so 'macdacht' is explained in Cormac's Glossary in voce 'colamna aire', vide. Stokes' old Irish Glossaries, p. 13. In O'D. 311, it is more fully explained as follows:—

"Mar re re na fecht mbliadan ro truaillet in ingean, lan coirroire innti, ocus einecluinn a dualgus de; lan coirroire o tha na fecht mbliadna amach co rige a dech, ocus let einecluinn a hathar; da trian

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If it be the daughter of *one of* the Feini grade *that goes* to the son of *one of* the Feini grade, or the daughter of *one of* the chieftain grade to the son of *one of* the chieftain grade, or the daughter of *one of* chieftain grade to the son of *one of* Feini grade, she shall have one-third of the 'tinol'-marriage collection, and the man shall have two-thirds.

But if it be the daughter of *one of* the Feini grade *that goes* to the son of *one of* chieftain grade, she shall give two-thirds of the 'tinol'-marriage collection to him, and one-third of the 'tinol'-marriage collection *is left* by the son of *one of* chieftain grade *to her*, and they must mutually prove their possessions. And this *custom* is derived from the fact that they take possession of land and house with cognizance *of the tribe*, and a house is of service to the land; and the proof adduced by the man may be denied by the woman, if they are equally admissible to give legal evidence[a] or equally inadmissible to give legal evidence[b], or if the woman be lawful; for it is a law of headship that is between them, and though the law cedes headship to the man for his manhood or his nobleness, he cannot the more, on account of his being so, prove against the woman, because it is a contract that is between them.

[a] Ir. *legal.*

[b] Ir. *illegal.*

In the connexion of force or secrecy they (*the man and woman*) possess nothing but the offspring; and full 'eric'-fine is paid for a daughter of the age of childhood, and for a young nun who has not renounced her veil, and for a first wife; half 'eric'-fine *is paid* if they be adultresses; all this is when they are without drawbacks, with full honor-price of those heads who are over them, to be *paid* to him to whom they particularly belong.

Connexion of force, i.e. which is committed by violence, i.e. a woman-rape. Or secrecy, i.e. committed on a woman secretly. They do not possess, i.e. the man does not derive any benefit from it. But the offspring, i.e. but he must foster the offspring which results from it. *Full 'eric'-fine* is paid, i.e. full honor-price is honourably paid to the daughter who is in the second stage of life,[1] for secret cohabiting with her, or for violating her, i.e. the three 'cumhals,'

coiṁroiṁe inṫe o ṫa na ɔech mbliaɔna amaċ co ruiġe a ceṫuir ɔéc, ocuṙ leṫ einecland a haṫaiṙ oi; ocuṙ ni ruil rann coiṁroiṁe o ṫha ġin amach."

"If the girl has been defiled within the age of seven years, full body-fine *shall be paid* for her, and honor-price in right of God; full body-fine also till she reaches the age of ten, and half the honor-price of her father; two-thirds of body-fine for her from the age of ten forth till she reaches fourteen, and half the honor-price of her father; and there is no division of the body-fine from that forth."

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leth eneclann a athar.—S.D. Im maccaillig, .i. no don mac caillig na tiultann a caillécet, .i. trian loigi enig na caillighe bid amail ata annraidi, .i. amail ata lethéneclann do tanaiti comarba brigdi. I cetmuinter, leth log enig a ceile di, .i. don cetmuintir a fogail lain do denum fria. Leith eiraic, .i. leth na heirce fuil do ina prim mnai isfed fuil do ina airig, no is adaltrad hi, ocus eirinracus lethe do finne; ocus do ni maith da tothcus, .i. leth na heirce uil do ina prim mnai isfed uil do in a tharraidtaid ina hairig; no is fri a prim ben hi, ocus eirinracus lethe do finde, ocus do ni maith da tothchus; leth na heneclainni fo bi aice feime, di ina degaid, ocus adaltrad hi ann fin; no is leth na heirce uil do ina prim mnai do na tharraidtaid don cairtaig. Mad adaltrada, .i. ceathramthu eneclainni a fir don airig. Cen fritchigde, .i. cen druth acus ataat na hairnaile fed doib uile, .i. dia mbe fritaigthe, is dilis don fir frisa ndalann cen eneclann doib fein, ocus icaid leth eneclann fria cach fedn frisi ndalad. Co lan log einech, .i. co lan eneclann don luchd is uaisliu fir bis uasu da cennaib, no da coibdealchaib. Do neoch, .i. don ti dana dilis iat co fainrudach.

Lanamnas genaig, mes, no darachtad, fri druth, no darachtaig, ni techta nechtar nae uitechta do fomaine na domaine; nech condaruice ar gnae, ocus conn fiada ndentar, lair in coimpert sin, ma beith coimpert de, a altram, ocus a cin, ocus a naith fosaib; is fig, ocus eclas, ocus fine a neisic, ocus a ndibad.

Lanamnas, .i. do nithi trie gean nog. Genaig, .i. cuitbide. Fri druth, .i. do comrac fri druith no darachtaig aile. Ni techta nechtar, .i. noco techtann nechtar de dib uasal dliged do fomaine didiu no domaine cinad. Nech condaruice, .i. nech comraicer iat ar gnae fo cuitbid. Conn, .i. in codnach i ndentar fiadnaise in comrac. Lair in coimpert sin, .i. is leir in compert asas don comrac sain daltrum. Ma beith coimpert de, .i. da nasa coimpert uathaib. A altram, .i. do denam. A cin, .i. cin a coiri ocus a laime dic. A naith, .i. cin a nathaigid. Is fig, ocus eclas, ocus fine, .i. is

[1] *Brighit*, i.e. St. Bridget of Kildare.

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or half the honor-price of her father.—S. D. For a young nun, i.e. or for the young nun who has not renounced her nunship, i.e. one-third of the honor-price of the nun who is similar to this one, (*i.e. who has not renounced her veil or her nunship,*) i.e. such as half honor-price to the tanist successor of Brighit.[1] *And* for a first wife, half the honor-price of her husband *is due* to her; i.e. to a first wife for committing full trespass against her. Half 'eric'-fine, i.e. half the 'eric'-fine which is *due* to him for his chief wife is what is *due* to him for his 'airech'-woman; or, *according to others*, she is an adultress, and it was impropriety that was committed with her; and she does good with her property, i.e. half the 'eric'-fine which is *due* to him for his chief wife is what is *due* to him for the seduction of his 'airech'-woman; or, *according to others*, she (*the one here referred to*) was his chief wife, and impropriety was committed with her, and she does good with her property; half the honor-price which she had before, she retains after it, and she is then an adultress; or, *according to others*, it is half the 'eric'-fine that is *due* to him for his chief wife *that is due* to him for the seduction of his 'carrthach'-woman. If adultresses, i.e. the fourth of the honor-price of her man *is due* to the 'airech'-woman. Without drawbacks, i.e. it is *when they* (*the women*) *are* without unchastity on their part, that all these kinds *of fine* are *due* to them, i.e. if there be drawbacks, it is lawful for the man with whom they make the assignation not *to pay* honor-price to themselves, and every man with whom they make an assignation shall pay honor-price for them. With full honor-price, i.e. with full honor-price to the noblest of those heads who are truly over them, *or* to their relatives. To whom *they particularly belong*, i.e. to the person to whom they particularly belong.

In the case of connexion of mockery, *of* a lunatic, or mad man, with a female lunatic, or mad woman, neither of them is entitled to any share of profits or losses; the person who united them for fun, and the sensible adult before whom it was done, are bound to foster the offspring, if offspring ensue of it, and bear their crimes, and become their security; their 'eric'-fine and their legacy *belong to* the king, and the church, and the tribe.

Connexion *of mockery*, i.e. which is made through perfect *wilful* levity. Of mockery, i.e. of wilful levity. With a lunatic, i.e. *one lunatic* to cohabit with another lunatic or mad person. Neither is entitled, i.e., neither of them is entitled to any share of the profits of the legacies, or *liable to bear the* losses of the crime. The person who united them, i.e. the person who brought them together for the sake of sport. The sensible adult, i.e. the sensible adult before whom the union was made. Is bound *to foster* the offspring, i.e. it is his *duty* to foster the offspring which proceeds from that union. If offspring ensue of it, i.e. if offspring grow from them. To foster, i.e. to perform *the fosterage*. *Bear* their crimes, i.e. to pay for their crimes of foot and hand. Security, i.e. to be security for their crime. *To* the king, and the church, and the

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iat a triur fo bi ina fiadnaisi anosain, ocus cid aen dib is aithiad fein bias. A neisic, .i. coisfoiged. A nobad, .i. fet ocus maine, amail icaid in cinaid.

O'D. 311-312.

[.i. Inti do finne urnaidm na da mesr, ma ta clann acud, ocus ni fuilid a fine ar aird, no ce bet for aird, ocus ni fine codnuch iat, in taltrum for in ti do finne an urnaidm.

Ma tait fine for aird, ocus is fine codnuch iat, in taltrum for fine. Ma tait a da fine imurro for aird, ocus is fine codnuch, in comaltrum do denum doib.

Marat codnuid in dara de, ocus ecodnuig araile, in taltrum for fine codnuch.

Mas ecodnuch do finne in urnaidm a fiadnuise na codnuch, in taltrum for in codnuch i ndernad fiadnuisi.

Mas iat fein ceana fo comfuic cin neach dia nurnaidm, in taltrum for fer in fearuinn. Na codnuig fo batar a fiadnuisi in da mesr ag denum in lanumnuis, in taltrum do cethruime forro ar bith ag a fellceet; na codnuid fo dera a denum imurro in taltrum orrud fide co hais diailtri; act muna dingba fellceet, a cethruime dib, ocus athcuirit e for fine iar nais diailtre, ocus atcuirit fine for fig.]

tribe, i.e. the three were the witnesses here, and though only one of them *were so* it will be similar. Their 'eric'-fine, i.e. body fine. Their legacy, i.e. *they get* their 'seds' and their property, in as much as they pay for the crimes.

That is, the person who united the two lunatics *must bear the fosterage of the children*, if they have children, and their tribe are not present, or, *according to some*, though they (*the tribe*) be present, if they are not sensible adults, the *burden of the* fosterage *falls* on the person who made the union.

If the tribe be present, and they are sensible adults, *the burden of* the fosterage *is* upon the tribe. But if the tribes of both are present, and they are sensible adults, they must perform the fosterage equally.

If the one party be sensible adults, and the other not-sensible adults, the tribe of the sensible adults shall sustain the fosterage.

If it was an insane adult that caused the union in the presence of the sensible adults, the fosterage is upon the sensible adults who witnessed it.

But if it was they themselves that united, no person uniting them, the *burden of the* fosterage shall be upon the owner of the land. The sensible adults who were present when the two lunatics entered into connexion, shall sustain the fosterage as far as the fourth part, for having been eye-witnesses; and the sensible adults who caused it to be done shall sustain the fosterage until the age when it is completed; but if they were not eye-witnesses, a fourth shall be taken off which they shall transfer to the tribe after the age when the fosterage determines, and the tribe shall transfer it to the king.

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APPENDIX.

'CAIN LANAMHNA'—(continued).

'Cain Lanamhna,' or Law of Social Connexions—continued.

In tarbur do roind i tri, .i. trian do dir, ocus trian do fil, ocus trian do frithgnum. Trian frithgnuma, acht ma ta fir ocus dam do leith aci, a leat do brith dig. Gunud feifed no trian do brit in arba uili aicci annsin.

Maine uilet fir na dam aici itir, acht ma tá gnim laim aicisium, dul dig inna gnimradrus gusrigi a leat; mara márdentaid hí no gusrigi a trian. Mara beccdentaid, gunud feifead no nomad gnima a fir aicci ann fein.

Maine uil gnim laim aicisium itir, acht ma ta etail aicisium, dul dig a trian frithgnuma da etailsium gusrigi a let, mara mardentaid, no gusrigi a trian mara beccdentaid, genmoca etail foifcela no eccallra; uair nucu bera ni derndeic, gunud feifed no nomad etala in fir aicci ann sin.

Acht ma ta langnimrad mna ac mnai, gid forbarach gid neimforbartach, is a dul i langnimrad fir. Ised is gnimrad forbartach ann, inud ocus etad; ised is gnimrad neimforbartach ann, bro ocus lorrat ocus altrum.

Maini uil langnimrad mna aicci, cach ni is erbadach uadi de bid aicisium da gnimrad gen dul dig imd, ocus eirgeb cach dib i gnimrad a cele o fein amach; no bid a gnim ac cach gen dul do neoc dib i ngnim a cele.

Isfed da ni beccdentaid dig banaicid uaidrium ina aigid, no muilend aicci. Ised da ni mardentaid dig gen ni dibsin aigsium.

Seifed dun mardentaid ar in mbliadain uili; a da trian di ar in esrad a aenuir, ix.; a trian ar in gaimrad ocus ar in fogmar; inn octmad rann a da trian re dec ar in fogmar, in cedramad rann ricet a trian ar in gaimrad, in cedramad rann caeccat.

[1] *One-half.* There appears to be a portion of text wanting here in the original.

[2] *His property.* After the Irish for these words the MS. is again defective.

[3] *The one-fifty-fourth part.* The numerals here must be corrupt.

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APPENDIX.

Law of Social Connexions—(continued).

'Cain Lanamhna,' or Law of Social Connexions—continued.

The corn is divided into three parts, i.e. one-third for *the owner of* the land, and one-third for *the owner of* the seed, and one-third for the *person who has done the* work. Of the third for the work, if she (*the woman*) has men and oxen, she shall obtain the one-half.[1] She shall obtain one-sixth or one-third of all the corn then.

If she has not men or oxen at all, but has hand-work, she shall obtain[a] by her work as much as one-half; or if she is a great worker, as much as one-third. If she is a small worker, she shall then have the one-sixth or the one-ninth of the *value of the* work of her husband.

[a] Ir. *go into.*

If she has not hand-work at all, but if she has property, she gets[b] one-third of *the value of* his work and his property,[2] as far as one-half if she be a great worker, or as far as one-third if she be a small worker, except the property of the gospel or of the church; for she shall obtain nothing thereof, so that it is the sixth or the ninth of the property of the man she shall have then.

[b] Ir. *goes into.*

But if a woman has the full work of a woman whether it (*the work*) be productive or non-productive, she shall obtain[c] *the value of the* full work of the man. Productive work is increase and clothes; non-productive work is quern-*work* and kneading and nursing.

[c] Ir. *go into.*

If she has not the full work of a woman, whatever she comes short thereof, he (*the man*) has whatever she comes short of it, *i.e.* of her work, and she does not share in it, and each of them participates in the other's work from that out; or each of them shall have *the value of* his own work without participating in that of the other.

What makes her a small worker is to have feminine implements supplied by him, *that are taken into account;* or she has a mill *supplied to her.* What makes a great worker of her is when she has none of these things *supplied.*

One-sixth *is due* to the great worker, throughout the whole year; two-thirds of it for the spring alone, *i.e.* one-ninth; one-third for the summer and the autumn; the one-eighth of the two-thirds is what goes in the autumn, the four-and-twentieth of the one-third in the summer, *i.e.* the one-fifty-fourth part.[3]

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Appendix.

'Cain Lanamhna,' or Law of Social Connexions—continued.

Nomad dun beccdentaid ar in mbliadain uili; a da trian frdeic ar in erad a aenur; in tfedtmad fand decc cenmotha in feiffed fann decc na feadtmad fainne fidet, in fedtmad fann fidet ar in famrad ocus ar in fogmar; a da trian frdec ar in fogmar; in ceathramad fand genmotha in ceathramad fand na haenmad fainne odtmogat. In aenmad fann odtmogat ar in famrad a aenur, ocus in trian ata do frithgnum, a leat do damaib a aenur; feifed in treisid aeile deraib ocus dernuch ocus do letrud ocus do ghannghail; a leathfrde deraib. Aili decc in aili decc ele, a leathfrde deirnuch; in cedramad fann fidet in ceathramad fann fidet ele do lomancur ocus do ghannghail, gunad in nodtmad fand ceathracat cuicig cedtar de.

Cetri mucca ar a mbeir ben feifead; muc cennaigther do lact feifid ocus metar, no ar lact feifid ocus metar ar arbur feifid; no muc cennaigther darbur feifid, no mucc cennaigther dun darna de ocus metar ar aile.

Cetri mucca ar a mbeir ben nomad; mucc cennaigther du lact nomad ocus metar ar lact nomad, no mucc cennaigther darbur nomaid ocus metar ar arbur nomaid; ocus muc cennaigther dun darna de ocus metar ar araile.

Cetri mucca ar a mbeir ben aili déc; muc du fuidlur ind fir, ocus metar ar lact feifid, no mucc do fuidlur ind fir, ocus metar ar arbur feifid, no mucc cennaigther du lact feifid darbur feifid ocus metar for mear tri eadtrand, ocus ni froic fi frithgnum.

Cetri mucca ar a mbeir ben in odtmad fann decc; mucc do fuidlur ind fir ocus metar far lact nomait; no mucc do fuidlur ind fir ocus metar air arbur nomaid; no mucc cennaigther do lact nomaid no darbur nomaid ocus metar for mear tri edtrand, ocus ni froic fi frithgnum muicci na muiccedа and fein.

Mucc ar a mbeir ben nomad ocus in feifed fand trichat; mucc indud coitcend nomaide, ocus metar for mear tri ectrand, ra froic fi frithgnum muicci ocus muicedа and; nomad

[1] *The seventeenth.* The numbers here appear to be corrupt.

[2] *The eighty-first part.* The numerals here again are corrupt.

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'Cain Lanamhna,' or Law of Social Connexions—continued.

One-ninth *is given* to the small worker throughout the whole year; two-thirds of that for the spring alone; the seventeenth part[1] minus the one-sixteenth part of the twenty-seventh part, the one-twenty-seventh part for the summer and autumn; the two-thirds of this for the autumn; the one-fourth part minus the fourth of the eighty-first part.[2] The eighty-first part for the summer alone, and *of* the third which is due to *those who perform the* labour, the one-half is for *the owners of the* oxen alone; the sixth of the other sixth is for *those who supply the* men and irons and leather and timber: the half of this is for men. *As to* the twelfth of the other twelfth, the half *goes* to the *owners of* irons, the twenty-fourth of the other twenty-fourth to the *owners of* the ropes and the timber, and the share of each is one forty-eighth.

There are four pigs, out of *the value of* which the woman gets one-sixth; a pig which is bought for milk of a sixth, and is fattened, or for milk of a sixth, and is fattened on corn of a sixth; or a a pig which is bought for corn of a sixth, or a pig which is bought for the one (*milk*) and fattened on the other (*corn*).

There are four pigs, out of *the value of* which a woman gets one-ninth; a pig which is bought with milk of a ninth and fattened on milk of a ninth; or a pig which is bought with corn of a ninth, and fattened on corn of a ninth; and a pig which is bought with one (*milk*) and fattened on the other (*corn*).

There are four *kinds of* pigs out of *the value of* which a woman gets the one-twelfth; a pig of the true property of the man, and which is fed on milk of one-sixth, or a pig of the true property of the man, and which is fattened on corn of one-sixth, or a pig which is purchased for milk of one-sixth, *or* for corn of one-sixth, and which is fattened on masts of an external land, and got no attendance (*i.e. the woman did not feed it*).

There are four pigs out of *the value of* which a woman gets the one-eighteenth; a pig of the true property of the man, and which is fed upon milk of one-ninth; or a pig of the true property of the man, and which is fattened upon corn of one-ninth; or a pig which is purchased for milk of one-ninth, or for corn of one-ninth, and which is fattened upon masts of an external land, and did not receive the attendance a pig *usually does*, or that of a swineherd in this case.

There is a pig out of *the value of* which a woman gets the ninth and the one thirty-sixth; a pig of general increase of one-ninth, and which is fattened upon the masts of an external land, where it (*the pig*) required the *usual* care of a pig, and a swine-herd;

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Appendix. 'Cain Lanamhna,' or Law of Social Connexions—continued.

na muici fein fraba le ac dul fo accaill, leaṫ nomaḋ meth eisidecc, leṫ don ḋolainn fogabbaltaiġ ann; nomaḋ in leṫ fein is leis .i. leth nomaḋ; comlan eisde in oċtmaḋ fann decc in leithi eile beras; in ceaṫramṫi meara fir tri deisi; in ceṫramṫi eile du roinn i tri itir feas ocus muccaḋaib ocus mnai, conaḋ aili decc ra foiċ du caċ duine dib. In aili decc fo foiċ disi, a da trian sideiġ, in oċtmaḋ fann decc, leṫ nomaḋ eside; tabair in leṫ nomaḋ fein fis in leṫ nomad o ċianaib, conaḋ nomaḋ comlan. Trian na haili decc in treiseḋ fann triċat; gunuḋ nomaḋ aicciri annsein ocus in tseiseḋ fann triċat; ocus damaḋ leṫ cuiṫiġ uġairi aili fo baḋ nomaḋ aicciri ocus aili decc ocus in seiseḋ fann triċat. Damaḋ da trian baḋ le, fobaḋ nomaḋ ocus in toċtmad fann decc ocus in seiseḋ fann triċat acci. Damaḋ le a leaṫ cotaċ buaċaili, rabaḋ nomaḋ aicci ocus ceaṫramṫi fann fiċet ocus in seiseḋ fann triċat.

Can ar a ngabar in ceaṫramṫi mearra fir tire. Is ar gabar; fagabar leath dun colainn fogabaltaiġ ann; in leat aile nucun nuil aċt tir ocus fritġnuṁ uimpi; ocus caċ baili i fagaḃar iat araen im comraind, is fonn ar do bís etarro.

Cid fodera loġ ar meṫaḋ na muicci, uair nucu moiti a loġ du rein dligiḋ? Is e faṫ fo dera, ata cutruma nomaḋ na laiñi oir dariġus, no cutruma aili decc na falaċ oir dariġus ar a denuṁ, ocus nucu moiti a loġ du rein dligiḋ; aċt ferrdi re fer na haicsi a bith urriusuṁ, ocus cona deċrad faeṫar cerda diṁain; is aṁlaiḋ sin is ferrdi re fer na mucc a meṫaḋ, ocus cona deċrad mear fir in ḟearainn i ndiṁain.

In tetaċ no in olann; aċt mara ann fa fearrat in lanaṁain inaimrer lomairṫa, mar iat cairiġ in fir, trian bunaiḋ ocus trian tiri aicciriun. Trian fritġnuṁa; trian dorus ar liarraḋ, a trian diri ar errad, a trian digairiḃ air imcomet; guna nomaḋ olla in fir aicciri ann fein.

Mainir fearrat ann fein itir, iat nomaḋ na holla diri ar lomraḋ, ocus fuil ann firin nomaḋ curab feiseḋ ann ar belaḋ

[1] *The wood.* The text of the original is here defective.
[2] *Is given.* Text defective here also.
[3] *Half one-ninth.* Text defective again.

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'Cain Lanamhna,' or Law of Social Connexions—continued.

the ninth of *the value of* that pig was hers when going into the wood,[1] that is half-ninth for the fattening; half to the body that is in good condition; one-ninth of that half is his; i.e. half one-ninth; that is the one-eighteenth part of the other half is given;[2] the fourth of the masts of the owner of the land *goes* to her; the other fourth is divided into three *equal parts* between the owner *of the land*, the swine-herds, and the woman, which makes one-twelfth for each one of them. *Of* the one-twelfth which comes to her, the two-thirds, *i.e.* the one-eighteenth which is equal to half one-ninth;[3] add the half of this one-ninth to the half-ninth just mentioned, and they make a full ninth. The third of the twelfth is the one thirty-sixth; so that she has one-ninth and one-thirty-sixth; and if the whole of the swine-herd's share were hers she would have one-ninth and one-twelfth and the one-thirty-sixth part. If the two-thirds *of the swine-herd's share* were hers, she would have one-ninth and one-eighteenth and one-thirty-sixth part. If half the swine-herd's share were hers, she would have one-ninth and the one-twenty-fourth and the one-thirty-sixth.

Whence is derived the fourth of the masts of the owner of the land? It is derived from this: one-half is got for the good-conditioned body; for the other half only land and attendance is concerned; and wherever both are found together, in case of division, it (*the half*) is equally divided between them.

What is the reason that there is payment for the fattening of the pig, as it does not increase the price according to law? The reason of it is, that the equivalent of one-ninth of the head-band of gold is *paid* in silver, or the equivalent of the one-twelfth of the gold ring is *paid* in silver for the making of it, and *still* its value is not the more according to law; but the owner of the article is better pleased that it should be ready, and that the labour of the goldsmith might not go for nothing; it is thus that the owner of the pigs is better pleased that they should be fattened, so that the masts of the owner of the land might not go for nothing.

As to the cloth or the wool; if the wedded pair separate at the time of the shearing *of the sheep*, if the sheep be the man's *property* he shall have one-third for the stock, and one-third for the land. *Of* the third *due* for service, one-third goes to him for folding, one-third to her for littering, and one-third to the shepherd for minding; so that it is one-ninth of the man's wool she shall have in this case.

If they did not separate at all on this occasion, she (*the woman*) shall have one-ninth of the wool after it is shorn, and the one-

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Appendix. 'Cain Lanamhna,' or Law of Social Connexions—continued.

ocus ar cumasc; fuil ann fesin feised suna trian ar cirta aobulam; fuil fir in trian surub leas o biar na innuc no na etuch urlum. Leth ocus let nomad aicciri ann fein, gen dul dirib ina gnimrad ri, ocus let genmotha let nomad aigiriuth. Ocus teit fer ina gnimradri gu mbeirenn leas in leithi uaithiri, cona teora ceathramthana aicciriuth genmotha teora ceathramthana in let nomaid, cethramthi ocus leithi nomad aicciri.

Mas iat caiseg na mna iat, mas a naimsir lomarta sa scarsat, trian bunaid ocus trian tigi aicisiuth; trian frithgnuma, a trian dogair ar liassad, a trian digi ar eassad, a trian dugaiseb ar incoimet. Mas etarsu araen atat buachaili, trian frithgnuma do roind ar do etarsu, suna leas olla na mna aigiriuth annsin. Cibe dib aga tat buachaili a cuit do brith do.

Mainis scarsat annsin isin, nomad na holla digi ar a lomrad; fuilled fisin nomad surub seised ar bealad ocus ar cumasc; fuiled fisin seised surup trian ar cirta aosulam; fuilliud fisin trian surup let o biar inna innuc no na etuch urluth, suna teora ceathramtana aicciri annsin, ocus cethramthi aigiriuth, gen dul dirib na ngnimrad. Ocus teit fer ina gnimrad gu mbeirenn cethramthi a covach uaithi, suna roinn ar do in etaig etarsu ann fein; ocus ben fein tainic o da lomraic caisig, gu ndernad etad da olainn sa ar orsu o fein immach. Ocus damad in aimsir lomarta so bad eabadach cuitig eatarthra uaithi.

Mas a naimsir luaid tainic, trian innec da rosmacht a luad do mnai aeille, no leth da mnai fein. Ocus arad ocus frithgnuth in luaid uil aicciri ann sin. Masa nechtar de, masa arad, is trian in leithe da mnai fein, no trian in trin do mnai comitig. Masa frithgnuth, da trian in leithe da mnai fein, no

[1] *Innuc-thread.* 'Innuc' is probably the old form of 'inneach,' the modern Irish word for woof or weft.

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'Cain Lanamhna,' or Law of Social Connexions—continued.

ninth is added unto, until it becomes one-sixth after its being greased and teased; the one-sixth is added to until it becomes one-third after its being rough-combed; the one-third is added to until it becomes one-half when it is in the state of 'innuc'-thread,' or ready-made cloth. She shall then have one-half and half one-ninth when the man takes no share in her work, and he shall have one-half minus one-ninth. And *when* the man takes a share in the work he bears off half of the one-half from her, in such a way that he has three-fourths, minus three-fourths of the half-ninth, and she has one-fourth and one-half of the one-ninth.

If they be the sheep of the woman, *and* if they (*the couple*) separate in the time of shearing, she gets one-third for the stock and one-third for the land; *of* the third for attendance, he gets a third for folding, she gets a third for littering, a third *goes* to the shepherds for minding. If the servants belong to them both, the third due to service is to be divided into two parts between them, so that he (*the man*) has one-half of the wool belonging to the woman in this case. To whomsoever of them the servants belong to that person their share is given.

If they did not separate at all on this occasion, she shall have one-ninth of the wool after it is shorn; *and* the one-ninth is added to until it becomes one-sixth after its being greased and mixed; the one-sixth is added to until it becomes one-third after its being rough-combed; the one-third is added to until it becomes one-half when it is in the state of 'innuc'-thread or ready-made cloth, so that she has three-fourths then, and he one-fourth, *i.e.* when the man does not participate in her work. But if the man participates in her work, he bears away the one-fourth of her share from her, so that the cloth is then divided into two *equal parts* between them; and this is *the case* of a woman who came *to live with the man* after the sheep had been shorn so that she made cloth of the wool which grew on them, from that out. And if it was at the time of the shearing *she came* she would be deprived of the share for littering.

If it was in the time of tucking *the cloth* she came, one-third of what the tucking would add to *the value of the cloth is given* to another woman, or the half to his (*the man's*) own wife. And she has implements and the attendance required for tucking *the cloth* in this case. If she has either of them—if she has the implements *alone and not the workmen*, it is one-third of one-half *that is due* to his own wife, or one-third of the third to a strange woman. If it

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Appendix. 'Cain Lanamhna,' or Law of Social Connexions—continued.

da trian do mnai coimdiu; ocus da trian innech biar ar aradain ocus ar fridgnum, ocus a da trian ar fridgnum, ocus a aen trian ar aradain.

Seised do mnai a glaisain, magar glisan in fir hi, mar ano ra scarsat i naimsir buana na glaisne, trian bunaid ocus trian tire aicsiuin ocus trian fridgnuma; dul dise ino gusugi a let maga marddentaid, no gusugi a trian maga beccdentaid, conad seised no nomad na glaisne uili aicsi annsein.

Sic.

Mainis scarsat annsin itir, nomad na glaisne dise ar a buan, ocus fuilled in nomad gusub seised ar tuistiniu do denum de. Fuilled fisin seised gusub trian ar in cet dru. Fuilled fis in trian gusub let ar in dru tanaisi, no madat urlum gusub let ocus aili decc aicsi, no let acus octmad fann decc. Cen dul drisi inna gnimradi, ocus teit fear ina gnimradi gu beisenn cedraimthi uaidi, cona teora ceadramtana aicsiuin cenmoca in aili decc no in octmad fann dec; ceadraimthi aicsi ocus aili decc no in octmad fand decc.

Nomad do mnai a lin maga lin in fir, mar a naimsir buana in lin ra scarsat; trian tire ocus trian bunaid aicsiuin. Trian fridgnuma, dul dise ino gusugi a leth maga marddentaid, no gusugi a trian maga beccdentaid, cona seised no nomad in lin aicsi annsein.

Mainis scarsat annsin itir, nomad in lin dise ar a buan, ocus fuilliud fisin nomad gusub seised ar scuabaib tirma do denum de. Fuilled fisin seised gusub leat o biar ina snath urlum no na leinid, gusub leath ocus aili decc aicsi annsein, no let ocus in octmad fann decc. Gen dul drisi ina gnimradi, ocus teit fear ina gnimradi gu mbeisend cedraimthi uaidi, cona teora ceadramtana aicsiuin genmoca in

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'Cain Lanamhna,' or Law of Social Connexions—continued.

oe the attendance *she has*, two-thirds of the half *are due* to his own wife, or two-thirds of the third to a strange woman; and two-thirds of what is due for the implements are for the attendance *i.e.* two-thirds for attendance (*workmen*), and one-third for the *owners of the* implements.

One-sixth is due to the woman out of the 'glaisin'-dye-plant, if it be the 'glaisin,' of the man, *and* if it was at the time of gathering the 'glaisin' *they separate*, he shall have one-third for the original, and one-third of *what belongs to* the land, and one-third of the *sum due for* attendance; she shall obtain[a] as far as one-half, if she be a great worker, or as far as one-third if a small worker, so that she gets the one-sixth or the one-ninth of all the 'glaisin' in this case.

[a] Ir. *go into.*

If they did not separate then at all, she gets one-ninth of the 'glaisin' after its being gathered, and the one-ninth shall be added to until it becomes one-sixth *due to her*, when it is made into cakes. The one-sixth shall be added to until it becomes one-third *due to her*, out of the first 'cru'-process. The one-third shall be added to until it becomes one-half *due to her* out of the second 'cru'-process, or if it be *completely* prepared *at the time of their separation* she shall have one-half and one-twelfth, or one-half and one-eighteenth. *This is when* the man does not participate in her work, but if the man participates in her work he shall bear away the one-fourth from her, so that he shall have three-fourths, *minus* the one-twelfth or the one-eighteenth; and she shall have one-fourth and the one-twelfth, or the one-eighteenth.

The one-ninth of the flax is due to the woman if the flax belongs to the man, *and* if it is at the time of pulling the flax they separate; he shall have the one-third for the land, and one-third for the original *seed*. *As to* the one-third for the service, she shall obtain[b] as far as one-half of it, if she is a great worker, or as far as one-third if she be a small worker, so that she shall have the one-sixth or the one-ninth of the flax in that case.

[b] Ir. *go into.*

If they did not separate then at all, the one-ninth of the flax is *due* to her after it has been pulled, and the ninth is increased to one-sixth when dry sheaves have been made of it. The sixth is increased to one-half, *which is her share* when it is in *the condition of* ready *manufactured* thread or linen, so that she shall then have one-half and one-twelfth, or one-half and one-eighteenth. *This is* when the man does not participate in her work, but if the man partakes in her work, he bears away one-fourth, so that he has three-fourths

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Appendix. aili decc no in octmad fann dec, ceathraimthi aicciri ocus aili decc no in octmad fann decc.

'Cain Lanamhna,' or Law of Social Connexions—continued.

Nomad do mnai a roid ocus cach inid nomad na roidi dia fa buain. Fuilled firin nomad gusup feifed ar a thillfinib du denum di; fuilled firin feifed gusup thian ar fchuplinib do denum de; fuilled firin thian gusup leac o biar ina min no na dath urlam; ocus if inunn ariadu da berar uirri o fein imac ocus ar in lin, ocus ar in gliren ina comraind itir fear ocus mnai; ocus if amlaid fein biar in cainnenn.

Sic.

Domna coirc di du mil no faidi beac, matrollae .i. ar feifed no ar nomad; ocus thian frithgnuma degad ac na beccaib amail ata ac na necaib aile aca mbi frithnum; ocus ben dul ind gunnuicci a leath, no gurfuigi a thian, no gummad a bith amail na neidi cena.

In tinud, act mafe innud na mna, thian bunaid aicirri, ocus thian tiri aicciriuth. Thian frithgnuma, a thian difir ar liafrad, a thian don mnai ar eafrad, a thian ducairib ar imcoimet; act mafa leo aran ugairi, if a cuit do roind ar do etarro, ocus if ann fin fa foid leac ninnuda na mna cu cert dorum. Mar re nechar de, if a cuit do brit dun di acca ta. Ocus buadail uil ac buaib fin, o da dairit gu decdar i dirca; ocus mar o ruccrat laegu gu decatar i dirca, nu gu bera act comraind lacta.

Mafa e inud in fir, if thian bunaid ocus thian tiri aigi friam, Thian frithgnuma, a thian dorum ar liafrad, a thian diri ar eafrad, a thian dugairib ar imcoimet. Cuitig ugairi do bith amail arfrubramar roimaind; ocus if ann ata nomaid inuda in fir cu ceart do mnai, in tan nad le ni do cuit ugairi na cuit uili.

[1] '*Roid*'-*dye-plant.* 'Roid' or 'Roind,' was the name of some herb or plant used probably in dyeing red, as the 'glaisin' was in dyeing blue or green.

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'Cain Lanamhna,' or Law of Social Connexions—continued.

minus one-twelfth or one eighteenth, and she shall have one-fourth and one-twelfth, or one-eighteenth.

One-ninth of the 'roid'-dye-plant' is due to the woman in every case after its being gathered. The ninth is increased to one-sixth when it is made into 'trillsin'-bundles; the sixth shall be increased to one-third when it is made into 'scriplin'-bundles; the third shall be increased to one-half, when it is in *the state of* meal or prepared colouring stuff; and the same disposal is made of it from that out, as of the flax and the 'glaisin'-dye-plant with respect to its division between the man and the woman; and the same shall be the case with the leeks.

She gets the makings of a hive of honey or of the swarm of bees, if they have swarmed, i.e. to one-third or one-ninth; and the third *due* for attendance is to be considered respecting the bees as it is in the case of other things which require attendance; and the woman obtains* as far as one-half, or as far as one-third, or it is to be like the things already *mentioned*.

* Ir. *goes into*.

As to the increase, if it be the increase *of the* cattle of the woman, she shall have the one-third due to the stock, and he the one-third due to the land. *Of* the third due to attendance, the man shall have one-third for folding, and the woman one-third for littering, the shepherds one-third for minding; but if the shepherds belong to both, their share is to be divided equally between them, and then the exact half of the woman's increase comes to him. If they (*the shepherds*) belong to either of them, their (*the shepherds'*) share is obtained by the person to whom they belong. And this is *the case of* a shepherd who minds the cows from the time at which they have been bulled till they run dry; and if it be from the time at which they had calves until they ran dry, he shall get but the same division of the milk.

If it be the increase of *the cattle belonging to* the man, he shall have the one-third due to the stock, and the one-third due to the land. Of the third *due* to attendance he shall have one-third for folding, and she one-third for littering, and the shepherds one-third for minding. The shepherd's share may be, as we have said above; and the time that the exact ninth part of the increase *of the cattle* of the man is due to the woman is, when she does not own any part of the shepherd's share, or any other share.

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